

**CLOSED-TRIED**UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

LEONARD PELTIER

AO 256A

DATE 1993	PROCEEDINGS (continued) PAGE -44-		C77-3003-01 V. EXCLUDABLE DELAY			
	(Document No.)		(a)	(b)	(c)	(d)
Sept 7	--	mc) RECEIVED back from USCA8, 5 boxes of clerks original file forwarded to USCA8, St. Paul, on April 2, 1992.				
1995 May 25	497	mc) ORDER of USCA8 that appellant's mtn to reopen the appeal has been considered and is denied.				
2001						
Oct. 29	498	lc NOTICE OF APPEARANCE for dft by atty William Kerschner				
	499	lc MOTION by dft for atty Eric A. Seitz to appear PHV				
	500	lc AFDT of William Kirschner in support of motion to appear PHV [499]				
	---	lc PROPOSED ORDER re motion to appear PHV [499]				
Nov 1	501	smb DFT'S RENEWED MOTION TO REDUCE OR CORRECT HIS SENTENCE: AFFIDAVIT OF DFT LEONARD PELTIER; AFFIDAVIT OF ATTY ERIC A. SEITZ w/attached Exhibits 1-4; and MEMORANDUM OF LAW; Filed.				
Nov 2	502	lmc ORDER by Karen K. Klein: Granting admission of ERIC A. SEITZ pro hac vice to appear and serve as counsel for dft Leonard Peltier.				
<p><u>NOTE:</u></p> <p>10/29/01 - See UNIX docket sheet for all further docketing under reference number M3-77-3003 listing document number 498 thru current entries</p>						

**CLOSED-TRIED**Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

**CLOSED-TRIED**UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET U. S. vs LEONARD PELTIER

AO 256A @

C77-3003-01  
Yr. | Docket No. | Def.

DATE 1987	PROCEEDINGS (continued) PAGE -43-		V. EXCLUDABLE DELAY			
	(Document No.)		(a)	(b)	(c)	(d)
JAN 14	---	RECV'd BACK FROM USCA8, St. Louis, ORIG RECORD that had been forwarded to USCA8 on Aug.14, and Oct 15, 1985 at req of Crt of App.				
FEB 18	486	RECEIPT OF USA, for Govt exhibits from Evid. Hrng Held on Oct 3, 1984, Filed.				
	487	COURT EXHIBIT #39, tendered in open crt during Evid. Hrng on Oct 3, 1984, for in-camera inspection. Contained in sealed envelope.				
Mar. 9	488	RECEIPT for Deft's Exhibits from Evid. Hrng held on Oct. 3, 1984, Filed.				
MAR 25	489	ORDER OF USCA8, dated Mar 23, 1987, Appellant's petition for reconsideration of the denial of the pet for rehrg and suggestion for rehrg en banc has been considered by the crt and is denied. Judge McMillian dissents from the denial of the petition for rehrg en banc and would grant the pet. Judge Fagg did not participate, Filed.				
JUN 11	490	Copy of NOTICE OF FILING PETITIOIN FOR CERTIORARI, May 28, 1987, with US Supreme Crt, filed by USCA8 on Jun 8, 1987, Filed.				
OCT 28	491	LTR OF USCA8, indicating their office had recvd copy of order of US Supr Crt denying petition for writ of certiorari, Filed. (Info copies to Judge Benson, USM and USPO)				
Nov. 9	492	dj EXEMPLIFICATION CERTIFICATE, Issued at request of Kenneth Aldridge for use at trial in the State of Oregon.				
<u>1989</u>						
Oct. 2	493	reh MOTION FOR INCLUSION OF PRESENTENCE REPORT AND TRANSCRIPT OF SENTENCING HEARING, by deft., Filed. (Proposed Order lodged with clerk).				
Oct 17	494	smb ORDER (JUDGE BENSON); Filed & Entered that: motion for inclusion of PSI & transcript of sentencing hrg is DENIED. (copies to counsel,mb)				
<u>1990</u>						
Jan. 2	495	reh COURT REPORTERS TRANSCRIPT OF PROCEEDINGS, namely sentencing on 6-1-77 before Judge Benson in Fargo, Filed.				
<u>1992</u>						
APR 7	496	ak Copy of RECEIPT OF USCA8 for orig file contained in (5) FIVE BOXES that was forwarded to USCA8, St.Paul on April 2, 1992, per USCA8 order dated 03/19/92, Filed. (Orig receipt in A3-91-29, <u>Leonard Peltier vs. G L Henman, Warden, US Penitentiary, Leavenworth, KS</u> )				
<u>1993</u>						
Sept 2	--	mc RECEIVED back from USCA8-2 transcripts incl 2 vol of #323 and 1 vol of #336. Pending originals still due.				
- Continued on Page 44 -						

**CLOSED-TRIED**Interval | Start Date | Ltr. Total  
(per Section II) | End Date | Code Days

CLOSED-TRIED

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

USA vs. LEONARD PELTIER

Page -42-

C77-3003

AO 256A

DATE 1985	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
AUG 21	476	RECEIPT OF USCA8 for "SEALED" Exhibit 39 that was forwarded on Aug 14, 1985, Filed.				
Oct 15	--	SENT ENTIRE ORIGINAL FILE,USCA8, upon request of Joe Hagen, St. Louis. see transmittal sheet.				
	477	RECEIPT OF USCA8 for transcripts of Aug 30 and Oct 1, 2, and 3, 1985, hearings,Doc. #430 and #445, that were forwarded on May 30, 1985, Filed.				
Oct 16	--	SENT ADDITIONAL BOX TO USCA8, making a total of 6 boxes. See transmittal sheet.				
OCT 21	478	RECEIPT OF USCA8 for CLK ORIG FILE with transcripts and depos that were forwarded on Oct 15 and 16, 1985, per call from Joe Hagen/USCA8 on Oct 15, requesting all files, Filed.				
1986						
JAN 23	479	Copy of USCA8 ORDER, dated Jan 17, 1986, The motion of: Mr. John J. Privitera for leave to withdraw as counsel for appellant is granted, Filed.				
NOV 4	480	ORDER OF USCA8, dated Oct 30, 1986, The motion of the Cathedral Church of St. John Divine, et al., for an extension of time until Nov 13, 1986, to file brief amici curiae in support of petition for rehearing en banc is granted, Filed.				
Nov. 21	481	ORDER, Filed & Entered, Re: services rendered by Attys Privitera & Ellison in the 2255 proceedings relating to an evidentiary hearing mandated by the crt of appeals; See order for crt's findings. (copies of Order served on Attys Privitera & Ellison & copies included with CJA 20 Vouchers for Chief Judge Lay's information as well as the Adm. Ofc.)				
Nov. 26	--	NOTICE OF ENTRY endorsed on foregoing Order & copies served as noted above.				
Dec. 8	482	LETTER STATEMENT in supplementation of pending application for fees & expenses under the CJA by Atty JOHN J. PRIVITERA, Filed. (Copy provided to Judge Benson)				
	--	NOTE: Mail addressed to Atty Privitera on Nov. 26, 1986 & directed to the last known address, 1302-18th St., NW, Suite 601, Washington, DC 20036, was returned. This date having learned Atty Privitera's correct address, said mail was re-sent, using 44 Fairview Ave., Albany, NY 12208.				
1987						
JAN 2	483	ORDER of USCA8, dated Dec 30, 1986, Appellants Petition for rehearing en banc has been considered by Crt and is DENIED. Judge Fagg did not participate. Pet for rehearing by the panel is also denied, Filed.				
Jan. 7	484	ORDER OF AMENDMENT, by Senior Judge Benson, allowing Atty. Privitera's CJA Voucher claim in an amended amount of \$7,135.82, Filed. NOTICE OF ENTRY endorsed on the order and copy to Judge Lay and Atty. Privitera.				
JAN 12	485	MANDATE OF USCA8 with USDC (Benson) endorsement thereon, Filed & Entered, jdm of USDC be affirmed in accordance with the opinion of this Crt; with attached Copy of USCA8 OPINION, Filed. (Copies of Mandate as filed to counsel, USM & USPO.				

CONT'd PAGE -15-

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code, Days

**CLOSED-TRIED****UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET**

U. S. vs

LEONARD PELTIER

C77-3003

AO 256A @

Page -41-

Yr. | Docket No. | Def.

DATE	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
<u>1985</u>						
May 10	463)	POST-HEARING BRIEF by USA, with attachments, Filed.				
May 22	464)	MEMORANDUM AND ORDER, Filed and Entered, that the record in the case as it presently exists conclusively shows Peltier is entitled to no relief. (Two certified to USCA 8. Copies to counsel)				
May 28	465)	LETTER of Bruce Ellison to Judge Benson requesting an opportunity to respond to Post-Hearing Brief of Govt., with court Order endorsed thereon that request is DENIED as untimely. (Copy to Mr. Ellison and Mr. Crooks)				
May 30	--)	Two certified copies of docket entries from Page 33 through May 28, 1985 on Page 41, together with Transcripts of Aug. 30 and Oct. 1,2,3, hearings, Doc. No. 430 and 445, mailed to USCA 8.				
June 10	466)	<u>NOTICE OF APPEAL</u> by deft. from the final judgment and order of May 22, 1985, to USCA 8, Filed.				
June 11	---)	Two Certified copies of NOTICE OF APPEAL, ORDER of MAY 22, and DOCKET ENTRIES from Doc. No. 370, dated December 30, 1982, mailed to USCA 8.				
	467)	Copy of ADMISSION OF SERVICE FORM (Copy of Notice of Appeal and admission of service delivered to USAtty Crooks)				
	468)	Copy of Docket Entries as forwarded to USCA 8 and counsel.				
June 12	469)	ADMISSION OF SERVICE by US Atty. for copy of Notice of Appeal, Filed.				
	470)	ADMISSION OF SERVICE by Court Reporter, Filed.				
JUN 27	471)	Copy of APPELLANT LEONARD PELTIER listing of items to be included in Appendix, dated June 21, 1985, Filed.				
JUN 28	472)	ORDER OF USCA8 dated JUNE 25, 1985, granting leave to proceed in forma pauperis and appointing John Privitera of Washington, D.C. and Bruce Ellison of Rapid City, SD to represent the Deft. Appellant's motion for consolidation of this appeal with app No. 83-1056 is denied as unnecessary...., Filed.				
JUL 2	473)	LTR. OF AUSA CROOKS listing items Govt wants included in Appendix, reserving right to make an addl designation of the record at such time as USA sees the actual issues which are raised by appellant's brief, Filed.				
JUL 18	474)	DEFT APPLICATION TO HAVE SEALED RECORD FORWARDED TO COURT OF APPEALS, requesting that Crt Exhibit 39 from Evid Hrng of Oct 1-3, be forwarded as part of D/R to USCA8; CERT OF SERV, Filed.				
AUG 14	475)	CRT's APPROVAL to deft request to forward "Sealed" Exhibit #39 to USCA8, Filed.				
	---)	FORWARDED TO USCA8, "Sealed" exhibit #39 from Evid Hearing held on Oct. 1984, via cert mail RRR.				
AUG 19	---)	REC'd back from USCA8, transcripts that had been forwarded on May 30, 1985, being documents #430 proceedings on Aug 30, 1984, Doc #445 in 3 Vols for Oct 1,2,3, 1984.				

CONT'd PAGE -42-

Interval  
(See Section II)Start Date  
End DateLtr. Total  
Code Days

AO 256A

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

LEONARD PELTIER

**CLOSED-TRIED**

C77-3003

DATE 1984	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page -40-	(a)	(b)	(c)	(d)
Dec. 13	449)	LETTER of William M. Kunstler indicating defense counsel's desire to take the depo of SA William Albrect, Jr., Filed.				
Dec. 31	450)	LETTER of John J. Privitera, with ORDER endorsed thereon, that defts. have until 2-15-85 to within which to present defense pleadings and memoranda. (Copies to counsel)				
1985						
Feb. 14	--)	Chief Judge Paul Benson verbally approved an extension to 2-19-85, which defts. have to file their brief.				
Feb. 19	451)	PETITIONER'S MEMORANDUM CONCERNING NEED FOR FURTHER HEARINGS, Filed.				
Feb. 28	452)	RESPONSE TO PETITIONER'S MEMORANDUM CONCERNING NEED FOR FURTHER HEARING, said response filed by US Atty, Filed.				
Mar. 7	453)	ORDER, Filed and Entered, that defts. requests for the examination of SA Twardowski, Reidman, and Hodge are denied; deft's request that a copy of the 9-12-85 teletype referenced in the 10-2-75 teletype be made a part of the record is GRANTED and pltf. shall file and serve a copy of the teletype; Defts.'s request that a complete copy of Hodge's lab note be made part of the record is GRANTED and deft. may file an unmarked copy previously made available to him; deft. shall also file the transcript of the depo of SA Albrect; deft's request for an order directing the filing in this proceeding of a certified copy of the Robideau-Butler pretrial record and the testimony of SA Hodge in that matter is DENIED for the reason that deft. has made no showing as to how this info is relevant to the issue now before the court. furthermore, upon such a showing, the court could take judicial notice of such a record; Deft. shall file and serve his post-hearing memo on or before 4-1-85 with pltf to have 15 days to respond. (Copies to counsel fo record)				
Mar. 18	454)	LETTER of Lynn Crooks, AUSA, with attached copies of teletype of 9/12/75 Filed. (Note: Letter was received by Judge Benson on 3-13-85)				
MAR 28	455)	LETTER OF ATTY ELLISON req an ext of time to April 8, 1985 to file post-hearing brief, Filed.				
	456)	ORDER, Filed and Entered, that time for filing Deft-Petitioner's post-hearing brief will expire on April 8, 1985. (Copies to Tiger, Privitera, Ellison, Kunstler, Deloria, Gurwitz, Gallant, Wernick, and USA)				
Apr. 9	457)	POST TRIAL MEMORANDUM IN SUPPORT OF MOTION TO VACATE JUDGMENT AND FOR A NEW TRIAL, Filed by Deft.				
	458)	(Copy of) MEMORANDUM OF PAPERS FILED, AND DATE OF FILING, in Criminal Case No. CR 76-11, USA vs. Darrelle Dean Butler, Et al, from Cedar Rapids, Iowa, Filed.				
	459)	(Copy of) DEPOSITION OF WILLIAM ALBRECHT, Filed.				
	460)	FBI LAB FIREARMS AND TOOL MARKS UNIT UNDATED HADWRITTEN NOTATIONS AND WORK SHEETS IN "RESMURS" INVESTIGATION, Volumes I through IV, Filed.				
Apr. 10	NOTE:	Documents 457, 458, 459 and 460, filed in separte expansion files.				
	461)	MOTION FOR EXTENSION OF TIME, by USA, seeking add'l time to file its post-hearing brief, Filed.				
	462)	BRIEF IN SUPPORT OF MOTION FOR EXTENSION OF TIME, seeking extension until 15 days from the completion date of the Young trial that counsel for the govt. is involved with, Filed.				
Apr. 17	---	ORDER, endorsed on Doc. 462, that the requested extension of time is granted. (Copies to counsel of record.				

Interval (per Section II)      Start Date      Ltr. Total  
End Date      Code Days



AO 256A

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

CLOSED-TRIED

C77-3003-01

Yr. | Docket No. | Def.

DATE 1984	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page 39	(a)	(b)	(c)	(d)
Oct. 2	--)	CLERK'S MINUTES OF EVIDENTIARY HEARING - 2nd Day - Mr. Crooks reports he has the original of Trial Ex. 180 present in Court. He further reports that Mr. Hodge's testimony before the grand jury was not recorded. Mr. Kunstler requests govt. to reveal what was deleted from Page 16, Ex. #30, because the deletion was for National Security reasons. Govt. is directed to make a "clean" copy of Ex. #30 and deliver it to the court of in camera inspection. Recess.				
Oct. 3	443)	CLERK'S MINUTES OF EVIDENTIARY HEARING - 3rd Day - Mr. Crooks delivers a "clean" copy of Ex #30 to the court. It is sealed by the Clerk and marked as Court Exhibit 39. All parties finish at 10:37 AM. Court will provide copies of transcript of these and the August 30th proceedings to deft. Court will allow deft. to employ a handwritting expert to analyze Page 417 of Ex. 33. Court orders simultaneous briefs due 30 days after receipt of the transcripts. Recess at 12:15 P.M. In chambers at 1:55 PM Govt. informs court of problem with Hodge's testimony that his assistant made the notes on page 417 of Ex. D-33. Hodge now states that his assistant did not make the notes and they do not know who did. In open court, Govt. moves to reopen. No objection. Mr. Hodge testifies on his notes. Court orders Govt. to product all Jencks material and Govt. agrees to provide copies of all of Mr. Hodge's notes to defts. Court RESERVES ruling on question of continuing case in an open status and will not order Peltier kept in Bismarck. When name of person who wrote notes on page 417 of Ex. 33 is known, court will determine if case is to be reopened. Case is adjourned w/o prejudice to reopen. Court will contact Warden of Springfield Medical Center to insure defense counsel has access to Peltier. Recess at 3:23 P.M. (SEE DOC #487, being Crt Exh #30 -in camera inspection)				
Oct. 4	444)	LETTER of Lynn Crooks, with attached copy of Evan Hodge's notes, filed.				
Oct. 29	445)	COURT REPORTER'S TRANSCRIPT OF PROCEEDINGS on October 1, 2 and 3, Vols. I, II, and III, Filed.				
Oct. 30	446)	(Copy of) AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT, CJA 24, for court reporter to supply copies of transcript of Aug. 30 and Oct. 1, 2, & 3 hearings to deft. at govt. expense.				
Nov. 1	447)	LETTER BRIEF of USA on the identity of the person who made the notes on evidentiary hearing exhibit 33, Filed, with attached AFFIDAVIT OF WILLIAM ALBRECHT, JR.				
Nov. 30	448)	ORDER, Filed and Entered, that there is pending defts. oral motion to reopen hearing for following identification of the unknown person who made the had printed lab notes on page 417 of defense ex. 33; court will reserve ruling on said motion for a period of not to exceed 45 days to allow either party to this proceeding to take the depo of SA Albrecht and file a transcript of the depo with the ct. If neither party elects to depose SA Albrecht then the court will rule on defts. motion on the basis of the record now before the court. Counsel will advise the Clerk within ten days after receipt of this order as to whether the depo will be taken. Failure to advise will be construed by the court as an election not to take the depo. NOTICE OF ENTRY endorsed on Order and copies mailed to counsel.				

Interval | Start Date | Ltr. Total  
Incr Section III | End Date | Code Days

AO 256A

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

USA vs. Leonard Peltier

C77-3003-01

DATE	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page -38-	(a)	(b)	(c)	(d)
1984						
Sept. 13	--)	NOTE: Informed by AUSA Lynn Crooks that discovery material was furnished to Atty. Ellison by FBI agent at 5:05 P.M. on September 12, 1984.				
	431)	DEFENDANT'S MOTION FOR EXPEDITIOUS TRANSFER OF DEFENDANT, with attached AFFIDAVIT OF COUNSEL, Filed.				
	432)	PETITION FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM, by US Atty, Filed.				
	433)	ORDER GRANTING WRIT OF HABEAS CORPUS AD PROSEQUENDUM, Filed and Entered, (Copies to counsel and USM)				
	434)	(Copy of) WRIT OF HABEAS CORPUS AD PROSEQUENDUM, that USM and Warden of Medical Center for Federal Prisoners bring the body of Leonard Peltier to District of North Dakota by September 24, 1984. (Original writ and 2 copies with attached copies of court order, delivered to USM on 9-14-84.)				
Sept. 14	435)	APPOINTMENT, CJA 20, appointing Bruce Ellison as counsel for deft., Filed. (Copies to court officials) and U. S. Atty.)				
	436)	APPOINTMENT, CJA 20, appointing John J. Privitera as counsel for deft., Filed. (Copies to US Atty. and Court officials)				
	437)	EX PARTE PETITION by US Marshal, Filed.				
	438)	ORDER, Filed and Entered, pursuant to the foregoing Petition, that during time Leonard Peltier is in custody of USM, visitation with him shall be restricted to defense counsel, and members of his immediate family, limited to parents and siblings. The USM shall make deft. available to defense counsel in Room 379 of US Courthouse in Bismarck during such reasonable times as may be appropriate. (Copies to counsel. 2 cert. copies to USM)				
Sep 24	---	MANDATE received and presented to the Court.				
	439)	<u>MANDATE OF USCA8</u> with US Dist Crt endorsement, Filed and Entered, counsel for Peltier have suggested that the filing is a petition for mandamus under the All Writs Act, 28:1651(a) (1982). The filing before this Crt is entitled a Notice of Appeal and makes no effort to recite the facts required in mandamus. The motion to dismiss the appeal is granted. (Copies to AUSA Crooks; Attys Tigar, Privitera, Ellison, Kunstler and Deloria; Linda J Gallant and Mark S. Wernick)				
	440)	ORDER OF USC8 with US Dist Crt endorsement, Filed and Entered, the petition for writ of mandamus is denied and the motion for stay is denied. (See Mandate Doc #439 for distr of copies)				
Sept. 26	441)	NOTICE OF APPEARANCE by Lewis S. Gurwitz, on behalf of deft., Filed. (Copy to US Atty by Clerk's Office)				
Sept. 27	442)	DISCOVERY MATERIAL, being court's copy of discovery material provided to deft. in compliance with court's order of August 31, 1984, Filed.				
Oct. 1	--)	CLERK'S MINUTES OF EVIDENTIARY HEARING - 1st Day - Counsel discuss question of access to Leonard Peltier. Mr. Jack McDonald enters and appearance as amicus curie on behalf of North Dakota Media Association. Court expands access to Peltier to allow paralegals and will allow a 1 1/2 hr. press conference after these proceedings. Evidentiary hearing commences. Defendant now has a new expert - Mr. Sadunis. Defts. are to prepare an estimate of expense and submit it to the court. Govt. produces a copy of trial ex. 180 to deft. Govt. will attempt to get a copy of GJ testimony of Hodge to deft. Recess at 5:00 P.M.				
			Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days

AO 256A

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

C77-3003-01

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	Page -37-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
1984	(Document No.)					
Aug. 17	NOTE: Clerk's Office attempted to call counsel for defendant - Ellison and Kunstler - was unable to reach either attorney.					
Aug. 21	424) MOTION FOR CHANGE OF DATE OF HEARING by Govt., with attached BRIEF, seeking to change date of Sept. 24th hearing to some date after Sept. 26th, Filed.					
Aug. 22	425) ORDER, Filed and Entered, that pl'tfs. motion for change of date of evidentiary hearing is granted and will now be held on October 1, 1984 at 9:00 AM in Bismarck. Copies to counsel.					
Aug. 23	NOTE: Attorney Bruce Ellison informed of change of date by phone. 426) PETITIONER'S MOTION FOR STAY, with attached MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR STAY, seeking a stay of the hearing dates set in this Court's Order of August 17, 1984, Filed. 427) ORDER, Filed and Entered, with attachments, that Defts. Motion for stay is DENIED. Copies to Counsel. NOTE: Attempt was made to inform atty. Bruce Ellison of Order by phone.					
Aug. 30	428) CLERK'S MINUTES OF HEARING ON DEFT'S MOTION FOR PRODUCTION OF DOCUMENTS - Defendant requests another week to inform court of names of attorneys to be court appointed. Mr. Ellison advises court that they will probably be employing a person by the name of Herbert Leon McDowell as their ballistics expert. Mr. Ellison is to provide the court with a detailed account of his qualifications at the time he requests the appointment. Counsel argue each request for production made by defendant in his motion of June 8, 1984. Mr. Ellison requests that when the court rules on the requests the court include a date by which production must be made. Mr. Ellison informs court that he may have to request a continuance of the 10-1-84 evidentiary hearing date. Court advises counsel that he will rule very soon and will seek to adhere to the 10-1-84 date. Recess.					
Aug. 31	429) MEMORANDUM AND ORDER, Filed and Entered, that following hearing on August 30, 1984, it is ORDERED that the US shall produce all laboratory reports and laboratory notes relating to the ballistics tests performed on Exhibit 34A, Exhibit 34B, all other .223 shell casings found at the RESMURS scene and the AR-15s seized at the Rosebud Reservation and at the Oregon incident; also all documents sent to and received by Special Agent Hodge relating to examination of the foregoing items and his responses thereto, along with the procedural manual, if any, employed by Special Agent Hodge in conducting ballistics tests. (Copies to counsel by mail)					
Sept. 4	---) NOTE: Informed Bruce Ellison by phone of contents of Doc. 429.					
Sept. 5	---) NOTE: Informed Bruce Ellison by phone of need for name and qualifications of expert and of fact that hearing will remain on for 10-01-84.					
Sept. 10	430) COURT REPORTER'S TRANSCRIPT OF PROCEEDINGS on August 30, 1984 at Bismarck, Filed.					
(SEE NEXT PAGE FOR ADDITIONAL DOCKET ENTRIES)						

Interval Start Date Ltr. Total  
(per Section II) End Date Code Days



AO 256A

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S.A. vs. LEONARD PELTIER

C77-3003-01

DATE 1984-	PROCEEDINGS (continued)	PAGE -36-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
June 18	408) GOVT'S RESPONSE TO MOTION FOR HYBRID REPRESENTATION, with CERTIFICATE OF SERVICE OR MAIL, Filed.					
June 20	409) GOVT'S RETURN TO MOTION FOR RECUSAL, with attachment; & attached CERTIFICATE OF SERVICE OF MAIL, Filed.					
June 22	410) MOTION FOR LEAVE TO FILE MEMORANDUM AMICUS CURIAE ON BEHALF OF CERTAIN CITIZENS OF FARGO, NORTH DAKOTA, MOORHEAD, MINNESOTA AND NEARBY COMMUNITIES, Filed, with attached MEMORANDUM OF AD HOC GROUP OF CITIZENS OF COMMUNITY AS AMICUS CURIAE, Filed.					
Jun 25	411) AFFIDAVIT OF LEONARD PELTIER submitted as part of the deft's motion to recuse, Filed.					
Jul. 5	412) DEFENDANT'S REPLY TO GOVERNMENT'S RETURN TO MOTION FOR RECUSAL with attached CERTIFICATE OF SERVICE, Filed					
July 17	413) ORDER, Filed & Entered, that deft's motion for disqualification is DENIED, with NOTICE OF ENTRY endorsed thereon & copies to USA, Attys Tigar, Privitera, Ellison, Kunstler, Deloria, Gallant & Wernick; copies to USM & USPO.					
July 27	414) GOVERNMENT'S RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS, indicating they were not served with the request and will be filing a detailed response after they have had an opportunity to fully examine the requests, Filed.					
Jul 30	415) NOTICE OF APPEAL to USCA8 by Deft from order entered July 17, 1984, denying motion pursuant to 28:455 to recuse Hon. Paul Benson; CERT OF SERVICE, Filed.					
	416) Copy of ADMISSION OF SERVICE FORM. (Copies of Notice of Appeal with attached copy of Adm of Service form mailed to US Atty and Deft.					
	417) Copy of DOCKET ENTRIES, as forwarded to the Crt of Appeals; and counsel of record provided only updated					
	---) TWO CERT COPIES OF NOTICE OF APPEAL, MANDATE OF USCA8, ORDER PURSUANT TO MANDATE, ORDERS entered May 14, May 25 and July 17, 1984, and DOCKET ENTRIES.  INFORMATIONAL COPY OF APPEAL RECORD to St. Paul USCA8 Div Office.					
Jul 31	418) ADM OF SERVICE by US Atty of receipt of a copy of notice of appeal, Filed.					
	419) GOVT SUPPL RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS; CERT OF SERV BY MAIL, Filed.					
Aug 6	420) RECEIPT OF USCA8 for appeal record; and APPEAL NO. 84-1978-ND assigned, Filed.					
	421) ADM OF SERVICE by Deft. of receipt of a copy of notice of appeal, Filed.					
Aug. 17	422) MEMORANDUM AND ORDER, Filed and Entered, that defts. motion for production of documents will be brought on for hearing in Bismarck on August 30, 1984. Hearing will be limited to questions of law and presence of deft. will not be required. Copies to counsel.					
	423) MEMORANDUM AND ORDER, Filed and Entered, that defts. motion for court appointed counsel is GRANTED (2 attys. to be appt.); defts. motion for ballistics expert is GRANTED (limited as provided by CJA); defts. motion for hybrid representation is DENIED; that defts. motion for transportation to the vicinage of the hearing is GRANTED; and finally setting matter for evidentiary hearing on September 24, 1984 at 9:00 AM in Bismarck. (Copies to counsel)					
			Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days

pages being  
nos. 33 to 36

AU 2500

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

C77-3003-01

Yr. | Docket No. | Def.

DATE 1984	PROCEEDINGS (continued)	PAGE -35-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
May 14	393) ORDER, Filed and Entered, the parties shall file simultaneous pre-hearing briefs with Crt not later than June 8, 1984, covering the evidence expected to be presented, the applicable law, the anticipated time required for the hearing of "any testimony or documentary evidence relevant to the meaning of the Oct 2, 1975, teletype and its relation to the ballistics evidence introduced at Peltier's trial," and whether the presence of the deft at the hearing is required. (Copies to USA, Attys Tigar, Privitera, Ellison and Kunstler, and to USM and USPO)					
May 18	394) MOTION FOR TRANSFER by deft., with attached AFFIRMATION of William M. Kunstler, seeking to have Leonard Peltier transferred to a Prison in NY, NY., so that he can be accessable to counsel in connection with the peding evidentiary hearing, Filed.					
May 22	395) RETURN TO MOTION FOR TRANSFER, Filed.					
May 25	396) ORDER, Filed and Entered, on the issue before this crt pursuasnt to the mandate of USCA8, and on the record before the crt, and on the assumption that jurisdiction may exist, IT IS ORDERED deft motion for transfer to the Metropolitan Correctional Center, New York, NY is denied; NOTICE OF ENTRY endorsed, with copies to USA, Attys Tigar, Privitera, Ellison and Kunstler, and to USM and USPO.					
May 29	397) NOTICE OF APPEARANCE by Vine V. Deloria on behalf of deft., Filed. (Copy of Doc. 393 mailed to Atty. Deloria)					
June 8	398) AFFIRMATION OF WILLIAM KIRSCHNER, Filed. 399) MOTION of William M. Kunstler, with attached AFFIRMATION of said attorney, requesting Chief Judge Benson to disqualify himself pursuant to 28:455, Filed.					
	400) MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION PURSUANT TO 28:455, Filed.					
	401) PRE-HEARING BRIEF of the USA, Filed.					
	402) DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS, Filed.					
June 11	403) DEFENDANT'S NOTICE OF FILING and PREHEARING MEMORANDUM AND MEMORANDUM IN SUPPORT OF CERTAIN PREHEARING RELIEF, Filed. (Note: Received and Filed in Bismarck on June 11 and Received and Entered in Fargo on June 12, 1984.)					
June 15	404) GOVT'S RESPONSE TO NOTICE OF FILING OF PREHEARING MEMORANDUM AND REQUEST FOR PREHEARING RELIEF; with CERTIF. OF SERVICE BY MAIL, Filed.					
	405) AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED ON MOTION FOR NEW TRIAL IN FORMA PAUPERIS signed by Leonard Beltier, Filed.					
	406) AFFIDAVIT OF LEONARD PELTIER in support of recusal motion, Filed.					
June 18	407) MOTION FOR HYBRID REPRESENTATION, by defendant, seeking an order granting him the right to be co-counsel; or to represent himself with assistance of named lawyers, Filed.					

Interval | Start Date | Ltr. Total  
(per Section II) | End Date | Code Days

CONT'D PAGE -35-

AO 256A

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

USA vs. LEONARD PELTIER

Page 34

CLOSED

DATE 1983	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)		(a)	(b)	(c)	(d)
Sep 12	---	Forwarded to USCA8, Vol 1, of trial transcript, as req by 8thCir.				
Sep 16	383)	ORDER OF USCA8, Re: Designation by counsel within 20 days of this order of transcripts and pertinent exhibits from the Robideau-Butler and Peltier Trials to this Court, Filed Sept. 13, 1983, Filed.				
Sep 14	384)	GOVT LETTER DESIGNATING brief and appendix filed by Govt in USDC, dated Sept 14, 1983, Filed.				
Sep 21	385)	GOVT LETTER AS SUPPL DESIGNATION, setting out transcript citations, dated Sept 21, 1983, Filed.				
Sep 29	386)	GOVT LETTER amending Govt Designation, Re: numbering of transcript pages, dated Sept 28, 1983, Filed.				
Oct 12	---	ADDL DESIGNATION RECORD as set out by USCA8 order of Sep 13, 1983, forwarded to Clk USCA8 vis cert mail, RRR.				
Oct. 24	387)	RECEIPT OF USCA8 for addl D/R forwarded 10/12/83, Filed.				
Oct 28	---	Forwarded to USCA8, Vols 2 - 25, and INDEX of trial transcript, per tele req of 10/26/83.				
1984						
Apr. 17	388)	NOTICE OF APPEARANCE by William M. Kunstler on behalf of deft. for purpose of hearing on remand, Filed.				
	389)	NOTICE OF APPEARANCE by Bruce Ellison, on behalf of deft. for purpose of hearing on remand, Filed.				
May 7	390)	COPY OF USCA8 ORDER dated May 1, 1984, that Appellee's motion for ext ot time in which to consider filing a petition for rehearing en banc or petition for certiorari with the US Supreme Crt, having been condidered by the Crt, is hereby granted to and including May 18, 1984, Filed.				
	---	MANDATE received and presented to the Court.				
	---	REC'd back from USCA8 original portions of the CLERK'S ORIG FILE that were forwarded on Sep 12, Oct 12 & 28, 1983 as part of the designated record.				
May 9	391)	MANDATE of USCA8 with USDC endorsement, Filed and Entered, that order of the dist crt denying Peltier disqualification motion if affirmed. Case remanded to dist crt for an evidentiary hrng limited to consideration of testimony or documentary evidence relevant to the meaning of the Oct 2, 1975 teletype and it's relation to the ballistics evidence introduced at Peltier's trial; with Copy of USCA8 OPINION, Filed. (Copies Mandate as shown below)				
	392)	ORDER PURSUANT TO MANDATE OF THE US CRT OF APPEALS, the above entitled case be set for an evidentiary hearing on a date to be deter by the Crt. "At this hearing, the crt shall limit its consideration to any testimony or documentary evidence relevant to the meaning of the Oct 2, 1975, teletype and its relation to the ballistics evidence introduced at Peltier's trial; NOTICE OF ENTRY, with copies to USA, Attys Tigar, Privitera, Ellison and Kunstler. Copies to USM and USPO-Fargo, together with copy of Mandate				

AO 256A

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

CLOSED

C77-3003

C77-3003

Page 33

Yr. | Docket No. | Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
<u>1982</u> Dec. 30	(Document No.) 370) MEMORANDUM AND ORDER, Filed and Entered, that petitioner's motion to vacate judgment and for a new trial is DENIED. 371) NOTICE OF ENTRY with copies attached, mailed to Tiger, Ellison, Kunstler. Copy to Lynn Crooks, Asst. U.S. Atty. CIVIL ACTION A3-82-60 Closed.				
<u>1983</u> Jan. 3	372) ORDER, Filed and Entered, that the court's memo and order of 12-30-82, is AMENDED on Page 3, line 13, to correct the name of "Agent Patrick Coward" is corrected to read "Agent Frederick Coward, Jr.".				
Jan. 4	373) NOTICE OF ENTRY to Tiger, Ellison, Kunstler and Crooks.				
Jan. 7	374) NOTICE OF APPEAL to the USCA8 by Deft-Appellant Peltier from the Order of Dec. 30, 1982, denying the Deft's motion for a new trial (28 USC 2255), and the accompanying order of Dec. 29, 1982, denying the Motion to Recuse filed in the same action, with CERTIFICATE OF SERVICE endorsed thereon, Filed.				
Jan. 10	375) Copy of ADMISSION OF SERVICE FORM (Copy of Notice of Appeal with attached copy of Admission of Service Form mailed to Attys for Pltf-Appellee) 376) Copy of DOCKET ENTRIES, as forwarded to Court of Appeals and counsel. ---) TWO CERT COPIES OF NOTICE OF APPEAL, MEMORANDUM & ORDER of 12/29/82, MEMORANDUM & ORDER of 12/30/82, ORDER of 01/03/83, JUDGMENT & COMMITMENT of June 1, 1977, and DOCKET ENTRIES, forwarded to Clerk, USCA8, via cert. mail, RRR.				
Jan. 12	377) ADMISSION OF SERVICE by US Atty of receipt of a copy of Notice of Appeal, Filed.				
Jan. 17	378) RECEIPT OF USCA8 for Record on Appeal that was forwarded on Jan. 10, 1983, Filed. 379) LETTER of Leonard Peltier to Judge Benson, Filed. (Copies to Tigar Law Firm, Ellison, Kunstler and Crooks)				
Jan. 27	380) LETTER OF BRUCE ELLISON atty for Deft-appellant that appendix will be transmitted with appellant's opening brief in lieu of a Designated Record, Filed.				
Feb. 3	381) LETTER OF AUSA CROOKS setting out Govt. Designation of Record as opposed to Deft. intention to proceed on appendix, Filed. CERTIFICATE OF SERVICE BY MAIL, Filed.				
Mar. 10	382) Copy of ORDER OF USCA8 denying motions to transfer appeal to another crt appeals, motion to hear appeal en banc...appellant may have to and incl March 23, 1983 to file opening brief...Filed.				

CONT'd PAGE -34-

Interval | Start Date | Ltr. Total  
Incr Section III | End Date | Code Days

000-30003

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

USA vs. LEONARD PELTIER

CLOSED

DATE	PROCEEDINGS (continued)	PAGE -32-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
<u>1982</u>	(Document No.)					
Jan. 29	357) COURT REPORTERS TRANSCRIPT of Pre-Trial Conference held on January 14, 1977, at 1:30 P.M. in Sioux Falls, South Dakota, Filed.					
Apr. 20	358) MOTION TO VACATE JUDGMENT AND FOR A NEW TRIAL, pursuant to 28:2255, Filed. (United States Attorney notified by Clerk)					
	---) CIVIL NO. A3-82-60 is assigned for record purposes. APPENDIX to the Motion is placed in a separate box due to its bulk and stored in the vault.					
May 5	359) ORDER, Filed and Entered, that the U. S. Attorney shall file an answer to petitioner's motion to vacate judgment and for new trial by August 6, 1982.					
	360) NOTICE OF ENTRY with copy of order attached, mailed to Counsel.					
Aug. 6	361) BRIEF RESISTING MOTION FOR NEW TRIAL, with CERTIFICATE OF SERVICE BY MAIL AND APPENDIX, Filed.					
Aug. 16	362) MOTION TO SET DATE FOR REPLY BRIEF, by deft., with CERTIFICATE OF SERVICE, Filed.					
Aug. 17	363) ORDER, Filed and Entered, granting defendant/petitioner until September 17, 1982 to file a reply brief to plaintiff/respondent's brief resisting defendant's motion to vacate judgment or for a new trial. (Copies to Lynn Crooks and Bruce Ellison)					
Sept. 14	364) MOTION FOR EXTENSION OF TIME TO FILE REPLY; AFFIDAVIT OF BRUCE ELLISON; CERTIFICATE OF SERVICE, and with ORDER endorsed thereon that the time for deft. to respond to Government's brief is extended to October 1, 1982, Filed and Entered. (Copies mailed to counsel by Clerk's Office)					
Oct. 1	365) REPLY TO BRIEF RESISTING MOTION FOR NEW TRIAL, by deft/petitioner with CERTIFICATE OF SERVICE, Filed.					
Dec. 15	366) MOTION by Deft. (1)disqualification of judge pursuant 28:144 and 455 (2) vacation of judgment and dismiss the indication or in alt a new trial pursuant to Rule 33 FRCrP, or further in alt (3) order for evidentiary hearing upon the motion to disqualify and in connection with issuance of judicial subpoena; further alt (4)order scheduling evidentiary hearing on a motion for new trial pursuant to Rule 33; and (5) granting such other relief as may be just and proper in the premisses. Deft. requests that oral argument on the motions be granted by the Court, Filed, with EXHIBITS, AFFIRMATION of Atty William M. Kunstler, Filed, CERTIFICATE OF GOOD FAITH AS REQUIRED BY 28 U.S.C. SEC 144 of Atty William M. Kunstler, Filed, CERTIFICATE OF SERVICE, Filed.					
Dec. 22	367) (GOVT'S) BRIEF RESISTING MOTION, with attached CERTIFICATE OF SERVICE BY MAIL, Filed.					
Dec. 29	368) MEMORANDUM AND ORDER, Filed and Entered, that motion to disqualify is DENIED.					
	369) NOTICE OF ENTRY with copies attached, mailed to Tigar, Ellison and Kunstler. Copy to US Atty.					

CLOSED



**C77-3003**  
 UNITED STATES DISTRICT COURT  
 CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

**CLOSED**

C77-3003

Yr. | Docket No. | Def.

DATE 1978	PROCEEDINGS (continued)	PAGE -31-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
Nov. 14	345) <u>MANDATE</u> of the Eighth Circuit Court of Appeals, that the judgment and sentence of the District Court is hereby AFFIRMED, Filed and Entered, with attached copy of MEMORANDUM OPINION of the Eighth Circuit, Filed. (Copies of Mandate to counsel, Lynn Crooks, AUSA, Evan Hultman, Spec. AUSA, and Michael E. Tigar. Copies to USM and USPO at Fargo, ND)					
Dec. 18	346) Copy of NOTICE OF FILING PETITION FOR CERTIORARI in the Supreme Court of the US, by Deft. Peltier on Dec. 4, 1978, Filed.					
1979 Feb. 26 Mar. 16	346a) COURT REPORTERS TAPE RECORDING of Sentence on 6/1/77, Filed. 347) LETTER OF COURT OF APPEALS, indicating that they had rec'd copy of an order of the Supreme Court of the US denying certiorari in this case, Filed.					
Mar. 19	348) Copy of ORDER OF SUPREME COURT OF US, denying writ of certiorari, dated March 5, 1979, Filed.					
Apr. 16	---) Received from Court of Appeals, Pltf. Exhibits 38C and 42, being fingerprint cards.					
Apr. 17	---) RECEIVED from Court of Appeals, the balance of the Exhibits, the designated record and the Transcript,					
May 16	349) RECEIPT of DOUGLAS R. GRELL, Special Agent, FBI, Rapid City, SD, for all of Plaintiff's Trial Exhibits as listed herein, plus Deft. Trial Exhibits #93, 94, 95, 96, 97, 98, 100, 102, 103, 133 and 221, Filed.					
June 26	350) RULE 35 MOTION TO REDUCE SENTENCE, with attached AFFIDAVIT of WILLIAM M. KUNSTLER and attached CERTIFICATE OF SERVICE, Filed.					
June 27	351) GOVERNMENT'S BRIEF RESISTING MOTION FOR REDUCTION OF SENTENCE, with attached CERTIFICATE OF SERVICE BY MAIL, Filed.					
July 16	352) REPLY TO BRIEF RESISTING DEFENDANT'S MOTION FOR A REDUCTION OF SENTENCE, with attached Exhibits, Filed and CERTIFICATE OF SERVICE, Filed.					
July 26	353) SUPPLEMENTAL BRIEF of Government in re defendant's Rule 35 Motion, Filed, with attachments.					
Sep. 4	354) RECEIPT of Atty Elliot A. Taikeff for Deft's Trial Exhibits as listed herein, Filed.					
Oct. 4	355) ORDER, Filed & Entered, that Deft's Rule 35 Motion for reduction of sentence is DENIED. (Copies to Counsel) (Hultman, Crooks, Taikeff, Lowe & Kunstler)					
Nov. 9	---) EXEMPLIFICATION CERTIFICATE, Issued at the request of US Atty, for copy of the Judgment and Commitment Order, Filed June 1, 1977; and of the US MARSHALS RETURN on the Judgment & Commitment indicating that the Deft. was delivered to US Penitentiary, Marion, Illinois on June 23, 1977.					
1980 Oct. 20	356) RECEIPT OF US ATTY for Pltf. Trial Exhibit #71-A, being fair facsimile of Ex. P-71, MAP OF CRIME SCENE, Filed.					
(Continued on next page)						

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S.A. vs. LEONARD PELTIER

**CLOSED****C77-3003**

DATE 1977	PROCEEDINGS (continued)	PAGE -30-	V. EXCLUDABLE DELAY			
	(Document No.)		(a)	(b)	(c)	(d)
Aug. 8	331) DEFENDANT'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES, Filed, with certificate of service indicated thereon.					
Aug. 15	332) AUTHORIZATION, CJA 21, with Court's approval for payment of \$2032.47 telephone service incurred by Peltier defense team and attached copy of Certificate of Counsel, Filed.					
Aug. 18	333) LETTER OF LYNN CROOKS, indicating that the Gov. has no additional designation of record at this time, but reserves right to make further designation upon receipt of Appellant's brief; and although Gov. has no objection to Deft.'s designation of "All trial exhibits", Government suggests that with the exception of Ex. 71, being map of the crime scene, that the larger bulkier items, such as the firearms, not be sent to Court of Appeals without a specific request from the Court, Filed.					
Aug. 22	334) AUTHORIZATION, CJA 21, authorizing a transcript at request of Atty Taikeff for use by the Court of Appeals, relating to April 16 & 17, 1977, Filed.					
Aug. 25	335) RECEIPT of US Court of Appeals for designated papers forwarded on August 18, 1977, Filed.					
Aug. 29	336) COURT REPORTER'S TRANSCRIPT OF PROCEEDINGS before Judge Paul Benson on April 16 and April 18, 1977, namely proceedings to consider two notes received from the Jury and receipt of the Verdict, Filed. (Forwarded to Robert C. Tucker, Clerk, 8th Circuit, St. Louis, Missouri)					
Sept. 6	337) RECEIPT of 8th Circuit, for foregoing Transcript, Doc. No. 336, Filed.					
Sept. 9	338) LETTER OF DEFENDANT'S COUNSEL, as a supplement to Deft's Designation of Record, Filed.					
Sept. 29	339) STIPULATION by counsel, that Exhibit 71-A is a fair facsimile of Ex. 71, which was introduced into evidence at trial, and that Ex. 71-A may be substituted for Exhibit 71 in the appellate record for use by the Court, in lieu of examination of Ex. 71. FURTHER, that Ex. 71 shall be retained by the Clerk of Court for the Dist. of ND in Fargo, until such time as the appeal herein is resolved, Filed. (Copy of Ex. 71-A attached to Stip. by Deputy Clerk.)					
Oct. 11	340) RECEIPT of 8th Cir. Court of Appeals for Ex. 71-A, together with copy of Stipulation of Counsel substituting this exhibit in lieu of Trial Exhibit 71 in the appellate record for use by the Court; and all other trial exhibits as designated by counsel, Filed.					
Nov. 28	341) RECEIPT of US Atty for two copies of Trial Transcript Pages Nos. 4666 through 4672, which the Court still views to be a sealed record and counsel are requested to treat it as such, Filed.					
Nov. 30	342) RECEIPT of Court of Appeals for PAGES OF TRIAL TRANSCRIPT NOS. 4666 through 4672 and Deft. Trial Exhibit No. 226, that were forwarded on Nov. 23, 1977, Filed.					
Dec. 5	343) RECEIPT of Atty Elliot Taikeff for two copies of Trial Transcript, Pages 4666 through 4672 that were forwarded on Nov. 28, 1977, Filed.					
1978						
May 1	344) RECEIPT OF COURT OF APPEALS for orig. documents #218, 219, 220, 222 and 225, forwarded on April 25, 1978, Filed.					

AO 256A

CONT'd PAGE -31-

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET U. S. vs LEONARD PELTIER**CLOSED**

C77-3003-01

**C77-3003**

Yr. Docket No. Def.

DATE 1977	(Document No.)	PROCEEDINGS (continued)	PAGE -29-	V. EXCLUDABLE DELAY			
				(a)	(b)	(c)	(d)
June 8	316)	AFFIDAVIT OF GORDON J. TAYLOR, Sheriff, Grand Forks County, ND; with attachment indicating his opinion that letter submitted in support of Document #312, was prepared at least two years ago and attachment indicating dates of confinement of those persons signing the letter, Filed.					
June 10	317)	<u>NOTICE OF APPEAL</u> , to the U. S. Court of Appeals for the Eighth Circuit, by Defendant-Appellant, from the Judgment entered on June 1, 1977.					
	318)	Copy of ADMISSION OF SERVICE FORM. (Copy of Notice of Appeal with attached copy of Admission of Service Form mailed to U. S. Attorney, Defendant-Appellant and Court Reporter.)					
	319)	Copy of DOCKET ENTRIES, as forwarded to Court of Appeals and Counsel of Record.					
	---	TWO CERTIFIED COPIES OF NOTICE OF APPEAL, JUDGMENT & COMMITMENT ORDER, INDICTMENT, SUPERSEDING INDICTMENT and DOCKET ENTRIES, together with two copies of the CASE INFORMATION SHEET, forwarded via Certified Mail, RRR, to Clerk, U. S. Court of Appeals, St. Louis, MO 63101.					
* June 13	320	ADMISSION OF SERVICE FORMS (2) with admission of Service by U.S. Attorney and Court Reporter endorsed thereon, Filed.					
June 17	321)	RECEIPT of the 8th Circuit, for Clerk's Record on Appeal, Filed.					
June 20	322)	ADMISSION OF SERVICE by Evan L. Hultman, US Atty, Sioux City, Iowa, of a copy of the Notice of Appeal, Filed.					
* June 13	323)	COURT REPORTER'S TRANSCRIPTS OF TRIAL with INDEX Volume, consisting of Volumes I thru XXIV, inclusive, Filed. (Contained in expansion Files 8,8A,8B,8C & 8D)					
June 28	324)	LETTER of Lin Brumley, Bureau of Prisons, with attached copy of Report of Inspection of Grand Forks County Jail on June 3, 1977, with attachments, Filed.					
June 29	325)	U.S. MARSHAL'S RETURNS on certified copy of Writ of Habeas Corpus ad Testificandum, indicating that James Theodore Eagle was delivered to FCI at Lompoc, California on April 23, 1977, Filed.					
July 6	326)	US MARSHAL'S RETURNS on certified copy of Writ of Habeas Corpus ad Testificandum as to Marion High Bull, indicating that he was delivered to USP at Lewisburg, Pa. on June 28, 1977, Filed.					
	327)	US MARSHAL'S RETURNS on certified copy of Judgment & Commitment Order, indicating that defendant LEONARD PELTIER, was delivered to USP at Marion, Ill. on June 23, 1977, Filed.					
July 22	328)	ADMISSION OF SERVICE by Defendant Leonard Peltier, of a copy of Notice of Appeal, Filed.					
	329)	Copy of ORDER by 8th Circuit Court of Appeals, dated July 18, 1977, that appellant must file his brief on or before Aug. 8, 1977; and appellee must file its brief on or before Aug. 29, 1977.					
Aug. 8	330)	RECEIPT of 8th Cir. Court of Appeals for Transcripts of Trial, Vols. I thru XXIV, incl. and Index Volume that were forwarded on August 2, 1977, Filed.					

**CLOSED**  
AO 266A

CONT'd PAGE -30-

Interval (per Section II) Start Date End Date Ltr. Total Code Days

**CLOSED**UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S.A. vs. LEONARD PELTIER

C77-3003-01

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page 28	(a)	(b)	(c)	(d)
May 5	308)	US MARSHAL'S RETURN on copy of Writ of Habeas Corpus Ad Testificandum as to Robert Eugene Robideau, indicating that he was returned to the Federal Penitentiary at Leavenworth, Kansas on April 25, 1977, Filed.				
May 9	309)	AFFIDAVIT OF COUNSEL REGARDING POST-CONVICTION CONDITIONS OF INCARCERATION OF LEONARD PELTIER, with attachment, Filed, by Bruce Ellison, one of the attorney's for the defendant. (Copies furnished by Clerk's Office to Deputy USM, Fargo, and AUSA Crooks, Fargo, North Dakota, at request of Chief Judge Benson.)				
May 13	310)	RESPONSE TO AFFIDAVIT REGARDING POST-CONVICTION CONDITIONS OF INCARCERATION OF LEONARD PELTIER, by Lynn E. Crooks on behalf of the Marshal and the Government, with attached CERTIFICATE OF SERVICE BY MAIL, Filed.				
May 23	311)	REPLY TO GOVERNMENT RESPONSE REGARDING CONDITIONS OF INCARCERATION OF LEONARD PELTIER by Atty Elliot A. Taikeff, Filed, with attached CERTIFICATE OF SERVICE BY MAIL, Filed.				
June 1	312)	EX PARTE MOTION RE: POST-SENTENCING CONDITIONS OF INCARCERATION, Filed, with attached AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION RE: POST-SENTENCING CONDITIONS OF INCARCERATION, AFFIDAVIT OF COUNSEL REGARDING POST-CONVICTION CONDITIONS OF INCARCERATION OF LEONARD PELTIER, being EXHIBIT A; and a HAND-WRITTEN attachment, Filed.				
	313)	The defendant appeared before the Court in Fargo, with Counsel, for sentencing. Defendant reads from a prepared statement. Mr. Taikeff indicates he has nothing to add. Statement and recommendation by Mr. Hultman. Statement by the Court. Defendant is sentenced as follows:				
	314)	JUDGMENT AND COMMITMENT ORDER, Filed and Entered, that deft. is committed to the custody of the Attorney General for imprisonment for a period of LIFE as to Count 1 of the Indictment. As to Count 2 of the Indictment deft. is committed to the custody of the Attorney General for imprisonment for a period of LIFE. It is further adjudged that the period of imprisonment imposed as to Count 2 of the Indictment run consecutively to the term of Life imprisonment imposed on Count One. (2 cert. copies to USM. Copies to Counsel and Court Officials.) J. S. 3 cards made.				
June 3	315)	AFFIDAVIT of NORMAN A. ZIGROSSI, indicating that: (1) He is an Asst. Spec. Agent in Charge of the Rapid City, SD Ofc of the FBI, since June 27, 1975; (2) That in his capacity as Asst. Spec. Agent in Charge of the Rapid City Ofc. of the FBI, he supervised the investigation of this case; (3) That to the best of his knowledge and information there has been no electronic surveillance directed toward either the deft. nor his attorneys of record in the investigation of this case by the FBI; (4) That to the best of his knowledge and information there has been no evidence derived from electronic surveillance in this case, Filed, with attached CERTIFICATE OF SERVICE BY MAIL, Filed.				

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD FELTIER

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page 27	(a)	(b)	(c)	(d)
Apr. 16	---	RECORD OF TRIAL TO THE JURY - 26th Day - Out of presence of Jury, Court and Counsel discuss if press can interview alternate when she is excused. Court RULES that Jury may, during deliberations, be brought into the Courtroom to view the Crime Scene mock-up, Exhibit No. 20. Mr. Lowe makes an Offer of Proof re violence on the reservation, testimony of "Bambi Sanchez" and additional testimony which would have been given by Myrtle Poor Bear. Court DENIES the Offers of Proof. Jury enters Courtroom. Courts charge to the Jury. Case is to the Jury at 11:48 A.M. Court in recess at 11:52 A.M. In Chambers at 1:30 P.M., Court handles certain matters out of presence of the Jury. In chambers at 4:17 P.M., Court advises Counsel of receipt of 2 notes from the Jury. Following discussion with Counsel, Court RULES he will not submit any transcripts of testimony to the Jury without approval of both Counsel.				
	299)	ENVELOPE CONTAINING ALL COURT ORDERS, APPLICATIONS, ETC., SUBPOENA'S and any other matters, relating to subpoenaing of Defendant's Witnesses. These are made a part of the file at this time in view of Court's Order that these not be revealed during trial.				
Apr. 18	---	RECORD OF TRIAL TO THE JURY - 27th Day - Jury deliberations continue. Court reconvenes at 4:30 P.M. to receive the Verdict. Mr. Lowe objects to exclusion of the public from the Courtroom. Court will not change its Order barring the public from the receiving of the Verdict. Verdict is received finding the Deft. GUILTY of First Degree Murder as to both Counts. Jury is polled. Verdict is unanimous. Court in recess at 4:45 P.M.				
	300)	VERDICT, finding deft. GUILTY of 1st degree murder as charged in both Counts, Filed. (Copies to Counsel.)				
	301)	COURT'S INSTRUCTIONS TO THE JURY, Nos. 1 through 54, Filed.				
Apr. 19	302)	STIPULATION of Counsel, that a photo of the model may be substituted for Exhibit No. 20, and that the model will be released due to its size. The photograph will be marked Exhibit 20A. Court also endorses its approval thereon. (Copies to Counsel)				
		FILE NO. 7 - CLERK'S MINUTES OF JURY TRIAL. File No. 7 contains all items prepared by Clerk during trial of this case.				
Apr. 22	303)	MOTION FOR AN EXTENSION OF TIME FOR THE FILING OF POST-CONVICTION MOTIONS, with BRIEF IN SUPPORT OF MOTION endorsed thereon, for an extension of time to June 1, 1977, within which deft. will have to file post-conviction motions, Filed.				
Apr. 25	304)	RETURN TO MOTION FOR EXTENSION OF TIME FOR FILING OF POST-CONVICTION MOTIONS of U. S., Filed, with attached CERTIFICATE OF SERVICE BY MAIL, Filed.				
	305)	ORDER, Filed and Entered, that pursuant to motion of defendant for an extension of time for filing post-conviction motions is GRANTED. The defendant shall file any such motions not later than May 13, 1977. The US shall make any response not later than May 20, 1977.				
Apr. 27	306)	NOTICE OF ENTRY, with attached copies of Order, to Counsel of record.				
Apr. 28	307)	AFFIDAVIT OF KENNETH E. TILSEN, re certain matters contained in Transcript relating to statements made by Mr. Hultman and SA of the FBI, Thomas H. Greene, with attached AFFIDAVIT'S (2) OF SERVICE BY MAIL, Filed.				



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S.A. vs. LEONARD PELTIER

**CLOSED**

677-3003-01

DATE 1977	PROCEEDINGS (continued) Page 26	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
Apr. 13	---) RECORD OF TRIAL TO THE JURY - 23rd Day - Defendant's case continues. Jury is excused from Courtroom at 9:41 A.M. Deft. commences offer of proof relative to Myrtle Poor Bear. Following noon recess Deft. requests Govt. to produce any add'l 302's of Myrtle Poor Bear in Govts. possession. Resisted by Govt. Court rules that 3500 does not require Govt. to produce statements of witnesses not called by Govt. Court directs that Jury may be returned to their Hotel for the day. Deft. MOVES to video tape the testimony of Myrtle Poor Bear. Resisted. Denied by the Court. Offer of Proof as to Myrtle Poor Bear continues. Deft. concludes Offer of Proof at 4:42 P.M. Arguments of Counsel. Court concludes that the credibility of witness Myrtle Poor Bear is so suspect that to permit her to testify would confuse the issues, may mislead the jury and could be highly prejudicial. Therefore, Offer of Proof as to Myrtle Poor Bear is DENIED. Following matters at the Bench by Mr. Lowe, Court is in recess at 5:25 P.M. Court Orders Matter at the Bench Sealed for possible Appellate review. Document is identified as Exhibit No. 226.				
	293) PROPOSED JURY INSTRUCTION TO BE GIVEN DURING TRIAL, by Deft., relative to marking of Govt. Exhibits; Filed.				
	294) SUBPOENA'S TO TESTIFY (2) Issued on behalf of the Govt. to Essie Kirk and Bruce Dalton, with Marshal's Returns thereon, Filed.				
Apr. 14	295) STIPULATION REGARDING GOVERNMENT EXHIBIT 34-H, Filed.				
	296) SUPPLEMENTAL PROPOSED JURY INSTRUCTION by Defendant, relative to taking Oath upon the Pipe, Filed.				
	297) RESPONSE BY GOVERNMENT to proposed Deft. Jury Instructions to be given during trial relating to Government Exhibits Series Nos. 29 and 34, Filed, with attached CERTIFICATE OF SERVICE, Filed.				
	298) GOVERNMENT'S ADDITIONAL PROPOSED INSTRUCTIONS NOS. 35 and 36, Filed, with attached CERTIFICATE OF SERVICE, Filed.				
	---) RECORD OF TRIAL TO THE JURY - 24th Day - Defendant's case continues. Court RULES on immunity question relative to Norman Patrick Brown. After attempt by Defense, Court RULES the Court will not reopen the Myrtle Poor Bear matter at this time. Defendant RESTS at 4:33 P.M. Governments RESTS following brief rebuttal, at 4:54 P.M. Jury is excused for the day. Out of presence of the Jury, Mr. Lowe makes an Oral Motion to strike testimony of Wilford Draper. Court will reserve ruling. Deft. Moves for Judgment of Acquittal. Motion resisted. DENIED by the Court. Deft. Moves for a mistrial. Resisted and DENIED by the Court. Counsel argue Jury Instructions. Court in recess at 6:45 P.M.				
Apr. 15	---) RECORD OF TRIAL TO THE JURY - 25th Day - Out of presence of the Jury, Court rules on exhibits. Court DENIES defts. motion to strike testimony of Wilford Draper relating to conversations overheard by him. Court RULES for the record on all requested instructions. Govt. has no exceptions to the Court's Charge. Argument by Deft. on Instructions. Counsel have received copies of the Court's charge. Jury enters Courtroom. Final Argument by Mr. Crooks. Out of presence of the Jury, Mr. Lowe moves for mis-trial based on Crooks argument, and alternatively moves for a cautionary instruction to be given jury. Motions are DENIED by the Court. Following conclusion of Mr. Crooks argument, Mr. Lowe again moves for mis-trial. DENIED by the Court. Final argument of Mr. Talkeff. Rebuttal argument of Mr. Hultman. Jury is excused at 6:33 P.M. Mr. Lowe again moves for mis-trial. DENIED by Court. Court in recess at 6:37 P.M.				

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

**CLOSED**

C77-3003-01

Yr. Docket No. Di

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DEL			
	(Document No.)	Page 25	(a)	(b)	(c)	(c)
Apr. 7 (Cont.)	281)	NOTICE OF APPEARANCE by Stanley Engelstein on behalf of Deft., Filed.				
	282)	DEFENDANTS PROPOSED JURY INSTRUCTIONS Nos. 1 through 28 inclusive, Filed.				
	283)	DEFENDANT'S MEMORANDUM REGARDING PROPOSED JURY INSTRUCTIONS, Filed.				
	284)	MEMORANDUM IN OPPOSITION TO GOVERNMENT CHARGES NUMBERS 11, 12, 13 and 14, Filed.				
Apr. 8	285)	APPOINTMENT; CJA 20, appointing Attorney Clifton G. Rodenburg, to represent Material Witness Jimmy Eagle, Filed.				
	---	RECORD OF TRIAL TO THE JURY - 20th Day - Defendant's Case continues. Deft. witness, Jimmy Eagle, desires Counsel be appointed for him before testifying. Court Orders testimony of "Bambi" Sanchez sticken from the Record. Court in recess at 4:52 P.M.				
	286)	(Defts.) PETITION FOR THE ARREST OF MATERIAL WITNESS MYRTLE POOR BEAR, Filed.				
	287)	(Copy of) WARRANT FOR ARREST OF WITNESS, to arrest Myrtle Poor Bear, Issued. (Original and 2 copies delivered to USM.)				
Apr. 11	288)	UNITED STATES MOTION FOR COMPLIANCE WITH RULE 17(b), F.R.Cr.P. - VINE DELORIA, to require defense to make a showing that witness Vine Deloria is necessary to an adequate defense, with attachment, Filed.				
	289)	CERTIFICATE OF SERVICE of the foregoing Motion, Filed.				
	290)	SUPPLEMENTAL ARGUMENT CONCERNING JAMES EAGLE EPISODE with attachments by Defendant, Filed.				
	---	RECORD OF TRIAL TO THE JURY - 21st Day - Defendant's case continues. Jury is excused from Courtroom at 10:12 A.M. and deft. commences offer of proof relative to Jimmy Eagle statements. Following Noon recess, Court states that he adheres to his ruling relative to admissibility of evidence relating to statements of Jimmy Eagle. Court directs Jury be returned to their Hotel and that the remainder of the day be spent of various offers of proof by deft. Offers of proof relative to Jimmy Eagle and whereabouts of Myrtle Poor Bear conclude at 6:00 P.M. Court in recess.				
Apr. 12	291)	UNITED STATES MOTION FOR COMPLIANCE WITH RULE 17(b), F.R.Cr.P.- WILLIAM F. MULDROW, with Exhibits A, B & C, Filed, & with attached CERTIFICATE OF SERVICE, Filed.				
	----	RECORD OF TRIAL TO THE JURY - 22nd Day - Defendant's case continues. Jury is excused at 4:37 P.M. Court and Counsel take up the matter of securing the presence of Myrtle Poor Bear. Court RULES that Myrtle Poor Bear must be presented to the Court on an Offer of Proof and Court will determine if it will go to the Jury. Following conversation with US Marshal's Office and defense Counsel, Court, at the request of defendant, directs that service of Warrant as to Myrtle Poor Bear be withheld to allow her to appear voluntarily. Defendant continues Offer of Proof as to the Jimmy Eagle matter. Court FINDS Offer of Proof has no prohibitive value and is DENIED. Court in recess at 6:18 P.M.				
	292)	SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS by Defendant, NOS. 1, 2 & 3, Filed.				
(Continued on next page)						

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S.A. vs. LEONARD PELTIER

**CLOSED**

C77-3003-01

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page 24	(a)	(b)	(c)	(d)
Apr. 5	272)	STIPULATION relative to chain of custody of Jack Coler's bureau car, with APPROVAL OF THE COURT endorsed thereon, Filed.				
	273)	EX PARTE PETITION FOR A WRIT OF HABEAS CORPUS AD TESTIFICANDUM, by Deft. with BRIEF IN SUPPORT OF MOTION endorsed thereon, to have the US Marshal for the Dist. of Nebraska produce Richard Little Boy, who is incarcerated in the Sheridan County Jail, Rushville, Neb., and turn over to the US Marshal for the Dist. of ND, until such time as he does testify, Filed.				
	274)	WRIT OF HABEAS CORPUS AD TESTIFICANDUM, Filed and Entered, that Ricky Little Boy be produced to the custody of the US Marshal for the Dist of ND for purpose of testimony at Trial, by the Bureau of Prisons at the Sheridan County Jail, Rushville, Nebraska.(3 cert. copies to US Marshal & copies to US Atty & Peltier Defense Team.)				
	275)	Certified Copy of WRIT OF HABEAS CORPUS AD TESTIICANDUM, as to Rickey Little Boy, Returned, with US MARSHAL'S RETURN endorsed thereon indicating NON-EST service for reasons stated therein, Filed.				
	---	RECORD OF TRIAL TO THE JURY - 17th Day - Government's case continues. Court in recess at 5:01 P.M.				
	276)	PROPOSED JURY INSTRUCTION TO BE GIVEN AT THE BEGINNING OF THE DEFENDANT'S CASE, Filed.				
	---	RECORD OF TRIAL TO THE JURY - 18th Day - Government's case continues. Mr. Lowe makes an offer of proof relative to admissibility of FBI Lab Reports of Mr. Hodge relative to weapons. Government RESTS at 3:17 P.M. Out of presence of the Jury, Deft. moves for Judgment of Acquittal pursuant to Rule 29 F.R.Cr.P. Motion resisted by the Government. Motion DENIED by the Court. Counsel argue Motions filed by Government. Court in recess at 4:22 P.M.				
April 6	277)	UNITED STATES' MOTION FOR COMPLIANCE WITH RULE 17(b), F.R.Cr.P. - FBI DIRECTOR KELLY SUBPOENA, with attached Exhibit "A" and "B", Filed.				
	278)	BRIEF AND ARGUMENT FOR EXCLUDING COLLATERAL MATTERS, By the Government, Filed.				
Apr. 7	279)	RECEIPT of Mary Nash, Material Witness, for Check No. 3,790 in the sum of \$10,000, Filed.				
	280)	STIPULATION by Counsel relative to certain vehicles locked in an enclosure adjacent to the BIA Jail in Pine Ridge, on April 10, 1976, Filed.				
	---	RECORD OF TRIAL TO THE JURY - 19th Day - Out of presence of the Jury, Court states its position on relevant evidence. Court finds no relevance to Anna Mae Aquash or Myrtle Poor Bear testimony. Court Rules on pending exhibits. Counsel argue Court's Position on relevant evidence. Court and Counsel discuss the significance of witnesses taking oath on the pipe. DEFENDANTS CASE COMMENCES. Out of presence of the Jury, Govt. advises defts., names of agents who prepared Myrtle Poor Bear Affidavit. Court RULES evidence of convictions of felonies by Leonard Crow Dog can be admitted into evidence by the Govt. Court RULES Counsel may have up to three hours on each side for final arguments. Deft. requests opportunity to argue question of Jury Instructions. Court in recess at 5:01 P.M. In Chambers, Ex Parte with Deft. Counsel, Court and Counsel for Deft. discuss availability of Myrtle Poor Bear, and Defense Subpoenas.				
<b>CLOSED</b> (Continued on next page_						

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	PROCEEDINGS (continued)		Page 23		V. EXCLUDABLE DELAY			
	(Document No.)				(a)	(b)	(c)	(d)
Apr. 1	266)	SUBPOENAS TO TESTIFY (2), issued on behalf of Govt., directed to Norman Patrick Brown & Geraldine Mann, with US MARSHAL'S RETURN endorsed on Subpoena for Brown indicating service and the RETURN on Subpoena for Mann returned unexecuted, Filed.						
	267)	SUBPOENA DUCES TECUM, issued on behalf of Govt., directed to Don Van Pelt, with US MARSHAL'S RETURN endorsed thereon indicating service, Filed.						
	268)	ORDER FOR REFUND OF CASH BAIL, IN RE: Angie Long Visitor, Material Witness, that her bond is exonerated and the Clerk of this Court make disbursement from the Registry Account of this Court to: Mary Nash, 4980 - 18th Ave. S., Mpls, MN in the sum of \$10,000, Filed and Entered. (Copies to US Atty, Peltier Defense Team, Kenneth E. Tilsen and Mary Nash, Surety and cert. copy to Angie Long Visitor.)						
	---	RECORD OF TRIAL TO THE JURY - 15th Day - Out of presence of the Jury, Court takes Matter of the Oregon incident and search of the Motor Home under advisement. Deft. requests Judge to make a finding of fact relative to making a sighting through the SA Coward's Scope. Counsel argue introduction of charts relative to ballistics. Deft. requests that all known fingerprint cards of deft. be produced. Court RULES that Defts. Exs. 145 and 147 will be received but the Jury advised that only paragraph 10 is relevant on each. Governments case continues. At the Bench, upon motion of the Govt., Court ORDERS Bond of Angie Long Visitor exonerated. Court advises Counsel that Court has secured the services of an Interpreter. Court in recess at 5:15 P.M.						
Apr. 4	269)	EX PARTE PETITION FOR A WRIT OF HABEAS CORPUS AD TESTIFICANDUM, by Deft., with BRIEF IN SUPPORT OF MOTION endorsed thereon, to have the Govt. produce MARION HIGH BULL to testify on behalf of Deft., Filed.						
	---	RECORD OF TRIAL TO THE JURY - 16th Day - Out of presence of Jury, Counsel for deft. agree that they have previously received a copy of the Oregon Report. Deft. requests Govt. to provide any 302's of Steven Hancock, not already provided to them. Court RULES that the Govt. will not be required to provide any certificate as to the origin of dynamite seized from the Car in the Oregon Incident. Govt. states its position as to making Govt. witnesses available to the Deft. Governments case continues. Govt. provides copies of all fingerprint cards of deft. in possession of the FBI. Court in recess at 5:01 P.M.						
	270)	RESPONSE TO INFORMAL DEFENSE REQUEST TO MAKE WITNESSES AVAILABLE AND MOTION FOR COMPLIANCE WITH RULE 17(b), FEDERAL RULES OF CRIMINAL PROCEDURE by Government, Filed.						
Apr. 5	271)	WRIT OF HABEAS CORPUS AD TESTIFICANDUM, Filed and Entered, that Marion High Bull be produced to the custody of the US Marshal for the Dist. of ND for purpose of testimony at Trial, by the Bureau of Prisons in Leavenworth, Kansas. (3 cert. copies to US Marshal & copies to US Atty & Peltier Defense Team.)						

**CLOSED**

CONT'D PAGE -24-



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

LEONARD PELTIER

C77-3003-01

**CLOSED**

DATE 1977	PROCEEDINGS (continued)	Page 22	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
Mar. 29	259) SUBPOENAS TO TESTIFY (2), issued on behalf of Government, directed to Merie Elsie Wrinkle & Steven Barker, with US MARSHAL'S RETURNS endorsed thereon indicating service, Filed, with attached teletype & Subpoena Ticket to the Subpoena directed to Steven Barker.					
	---) RECORD OF TRIAL TO THE JURY - 12th Day - Court DENIES defendant's Request to have Jury make sighting through scope of SA Coward. Government's case continues. Court in recess at 4:54 P.M.					
Mar. 30	260) Original WARRANT FOR ARREST OF MATERIAL WITNESS MYRTLE POOR BEAR, Returned, with US MARSHAL'S RETURN endorsed thereon indicating service of the same on Mar. 28, 1977, Filed.					
	261) RESPONSE TO DEFENSE MOTION FOR PRODUCTION OF INFORMATION SURROUNDING AFFIDAVIT OF CORTLANDT CUNNINGHAM AND MOTION TO LIMIT CROSS EXAMINATION by Government, Filed, with attached CERTIFICATE OF SERVICE, Filed.					
	262) PROPOSED JURY INSTRUCTION TO BE GIVEN DURING TRIAL by Defendant, Filed.					
1	---) RECORD OF TRIAL TO THE JURY - 13th Day - Counsel argue motion by deft. for Brady v. Maryland - disclosure of who prepared Exhibit #124. Counsel further argue relevancy of evidence of Oregon incident. Govt's case continues. At the Bench, Court DENIES deft's motion for mistrial which motion was based upon a comment by Mr. Sikma. Out of the presence of the Jury, Court RULES all evidence relating to the Oregon incident will be received, except Exhibit #38H. In Open-Court, Court advises Jury that reference by Mr. Sikma to deft. should be regarded as having been meant to refer to the Defense Team. Out of presence of Jury, Court ORDERS Govt. to disclose information requested by deft. under Brady v. Maryland. Counsel stipulate that Exhibit #34A was found by Mr. Gammage near Wichita, Kansas. Court in recess at 5 P.M.					
Mar. 31	263) STIPULATION by Counsel that; among other things, on Nov. 22, 1972, deft. was charged with attempted murder in Milwaukee, Wis.; served an arrest warrant on or about Nov. 22, 1972; was arraigned, pleaded not guilty and released on bond; failed to appear for trial; bench warrant issued; on June 26, 1975, deft. was aware that a warrant was outstanding for his arrest concerning the attempted murder charges in Milwaukee; he knew if he were taken into custody by law enforcement officers he would be returned to Milwaukee to stand trial on the aforesaid charges, Filed, with APPROVAL BY THE COURT endorsed thereon.					
	---) RECORD OF TRIAL TO THE JURY - 14th Day - Court ORDERS Government to make Brady vs. Maryland disclosure as requested by Deft. Governments case continues. At the Bench, Court DENIES Defendants Motion for mis-trial, based on introduction of Oregon evidence. Court in recess at 5:01 P.M.					
	264) EX PARTE PETITION FOR A WRIT OF HABEAS CORPUS AD TESTIFICANDUM, by deft. for Marvin Bragg, aka Ricky Walker, who is currently incarcerated in the F.C.I., at Tallahassee, Florida, Filed.					
Apr. 1	265) WRIT OF HABEAS CORPUS AD TESTIFICANDUM, Filed, by the Court, that Marvin Bragg, aka Ricky Walker be produced to the Custody of the US Marshal for the District of ND for purpose of testimony at Trial, by the US Marshal for the Northern Dist. of Florida. (Copies to US Atty & Defense Team and 3 cert. copies to US Marshal.)					

**CLOSED**

CONT'D PAGE -23-



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	(Document No.)	PROCEEDINGS (continued)	Page 21	V. EXCLUDABLE DELAY			
				(a)	(b)	(c)	(d)
March 25 (Cont.)	252)	AUTHORIZATION, CJA 21, appointing Carl Nadler as an investigator for Defendant, Filed.					
	---	RECORD OF TRIAL TO THE JURY - 10th Day - Jeffrey McClean is excused from further service as a Jury Member, due to the death of his father. At the bench, Court ORDERS that Myrtle Poor Bear be designated a Material Witness for the Defendant. Deft. is to submit appropriate papers. Governments case continues. Witness Norman Brown concludes testimony on behalf of the Government and is advised that he is still under Subpoena, now as a defense witness. Court in recess.					
Mar. 28	253)	GOVERNMENT'S REQUESTED INSTRUCTION NOS. 16 through 34, inclusive, Filed, with attached CERTIFICATE OF SERVICE, Filed. (Copy provided to Court.)					
	254)	NOTICE OF INTENT TO CLAIM PRIVILEGE AND MOTION FOR PRE-TESTIMONIAL RULING as to witness ANGIE LONG VISITOR, Filed by Atty Kenneth E. Tilsen, with attached MEMORANDUM IN SUPPORT OF WITNESS' MOTION FOR PRE-TESTIMONIAL RULING, Filed.					
	255)	CERTIFICATE OF COUNSEL for Defendant, relative to necessity of witness NORMAN BROWN to an adequate defense, Filed.					
	256)	ORDER, Filed and Entered, that the USM Process defts. subpoena in the matters set forth in the Court's Orders of 2-23-77 and 3-23-77. (2 cert. copies to USM. Copies to Deft.)					
	---	RECORD OF TRIAL TO THE JURY - 11th Day - Counsel for Deft. advise Court they will make a sighting test of the scope used by SA Coward to view deft. Counsel argue admission of evidence relative to Milwaukee charges of attempted Murder against this defendant. Following ruling by the Court that such evidence is relevant, Counsel agree on a stipulation which will be read to the Jury. Following Noon recess, Mr. Taikeff advise Court that he has tested SA Coward's scope and feels that you cannot distinguish the identity of a human at $\frac{1}{2}$ mile. Defts. cross-exam of witness Cunningham is continued until tomorrow, to allow Court to rule on exhibit's 120, 121, 122, and 123. Jury is excused at 4:58 P.M. Court allows Mr. Taikeff to proceed with an Offer of Proof as to Exhibit No. 83. Counsel desire to proceed with the Angie Long Visitor matter. Following discussion by Counsel, Mr. Tilsen is requested to submit an Order, re limiting exam of Ms. Long Visitor to the 1975 incident and no exam as to non appearance at previous trial. Court in recess at 5:31 P.M.					
Mar. 29	257)	UNITED STATES' BRIEF ON EXCLUSION OF FBI FD-302 FORMS, Filed.					
	258)	ORDER RE: TESTIMONY OF ANGIE LONG VISITOR, Filed and Entered, that the testimony of this witness: 1. Should be limited to events on or about June 26, 1975; and 2. Shall not be deemed a waiver of her rights not to testify pursuant to the 5th Amendment of the US Constitution and such other constitutional and legal rights and objections as may become appropriate as to matters concerning her alleged unavailability as a witness in prior proceedings connected with the events of June 26, 1975. (Copies to US Atty, Peltier Defense & Atty Tilsen, with cert. copy given Tilsen as designated for Angie Long Visitor)					

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

C77-3003-01

LEONARD PELTIER

**CLOSED**

DATE 1977	PROCEEDINGS (continued)		Page 20		V. EXCLUDABLE DELAY			
	(Document No.)				(a)	(b)	(c)	(d)
March 23 (Cont.)	---	RECORD OF TRIAL TO THE JURY - 8th Day - Court reconvenes out of the presence of the Jury. Court <u>rules</u> the Exhibit D-75 will not be received. Governments case continues. Out of the presence of the Jury, Court admonishes spectators not to signal to witnesses. Counsel are also admonished to refrain from displays of emotion. In Chambers, Deft. is advised that someone has advised the Clerk that they feel deft. is signaling to witnesses by using the Pipe and feathers at defense table. Court in recess.						
March 24	245)	DEFENDANT'S RESPONSE TO THE GOVERNMENT'S BRIEF IN SUPPORT OF ADMISSION OF OTHER CRIMES, Filed.						
	---	RECORD OF TRIAL TO THE JURY - 9th Day - Governments case continues. In Chambers at 2:33 P.M., Court ORDERS that immunity be granted, pursuant to request of the Government, to witness NORMAN BROWN. Witness is compelled to testify and remain within jurisdiction of the Court. Government's case continues. Court in recess at 4:30 P.M.						
Mar. 25	246)	ORDER GRANTING IMMUNITY TO NORMAN PATRICK BROWN, Filed and Entered, that pursuant to 18:6003(a) of USC, Norman Patrick Brown is granted immunity from criminal prosecution arising out of any testimony or other information which he may be compelled to give in this case and no testimony or other information given by him may be used against him in any criminal case except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this Order; that Norman Patrick Brown is compelled to testify & answer questions in this case; that Norman Patrick Brown will remain under the jurisdiction of this Court until discharged. (1 cert. copy to Norman Patrick Brown and copies to US Atty, Peltier Defense Team and Atty David S. Maring.)						
	247)	APPOINTMENT, CJA20, appointing Attorneys David S. Maring to represent Material Witness Norman Patrick Brown, Filed.						
	248)	AUTHORIZATION, CJA 21, authorizing services of Bruce Ellison of Rapid City, SD, as an investigator for Peltier Defense, effective as of February 12, 1977, Filed.						
	249)	SUBPOENA TO TESTIFY, directed to Ernest Trujillo, issued on behalf of Government, with US MARSHAL'S RETURN endorsed thereon indicating service, Filed, with attached Subpoena Ticket, Filed.						
	250)	ORDER REGARDING MATERIAL WITNESS MYRTLE POOR BEAR, Filed and Entered, that Myrtle Poor Bear is designated a material witness within provisions of 18:3149; and it is Ordered that she be taken into the custody of the US's Marshal's Service, with the following conditions: (1) That she be released immediately upon a personal recognizance bond in the amount of \$1,000. (2) That, as a condition of the above release, she be required to maintain daily contact with the US Marshal's Service, either in person or telephonically. (Copies to U.S. Attorney and Peltier Defense Team)						
	251)	WARRANT FOR ARREST OF MATERIAL WITNESS MYRTLE POOR BEAR, Issued. (Orig. & 2 cert. copies of Warrant with attached cert. copies of foregoing Order. delivered to US Marshal's Ofc. for service. Copies to U.S. Attorney and Peltier Defense Team.)						

**CLOSED**

CONT'D PAGE -21-

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs.

LEONARD PELTIER

**CLOSED**

C77-3003-01

Yr. Docket No. Def.

DATE 1977	(Document No.)	PROCEEDINGS (continued)	Page 19	V. EXCLUDABLE DELAY			
				(a)	(b)	(c)	(d)
Mar. 21	240)	STIPULATION, that the bodies of Special Agent Ronald A. Williams and Special Agent Jack R. Coler were removed from the place at which they were found late in the afternoon of June 26, 1975; that the bodies were transported by ambulance to Rapid City, SD; and that when the bodies were delivered to Dr. Robert D. Bloemendaal, they were in substantially the same condition as when they were found, with the APPROVAL BY THE COURT endorsed thereon.					
	241)	AUTHORIZATION, CJA 21, authorizing the services of Terry H. Gilbert, 535 Leader Bldg., Cleveland, Ohio, as an investigator on behalf of the Def., effective as of Dec. 30, 1976, Filed.					
	---	<u>RECORD OF TRIAL TO THE JURY - 6th Day</u> - Out of presence of the Jury, Court advises he will set up guidelines for interview of witnesses sometime today. Mr. Taikoff advises the Court that a Interpreter may be needed for the "Lakota" language. Court rules that photos of the autopsy will be admitted. Jury enters Courtroom. Government's Case continues. Court in recess at 5:00 P.M.					
Mar. 22	242)	SUPPLEMENTAL ORDER, Filed and Entered, that the Marshal's Service is directed to arrange for charter bus service as necessary for the transportation of jurors, and the Clerk is directed to arrange for payment of such transportation further ordered that reasonable expenses for telephone calls, entertainment, and miscellaneous items furnished to the jurors shall be at the expense of the United States. (2 cert. copies to US Marshal & copies to US Attorney and Peltier Defense Team.)					
	243)	(Copy of) COURT'S ORDER of March 17, 1977, re use of personal restraining devices on defendant Peltier, with MARSHAL'S RETURN thereon indicating all deputies on Detail have been notified of its contents, Filed.					
	---	<u>RECORD OF TRIAL TO THE JURY - 7th Day</u> - In Chambers Counsel discuss interview of Govt. witnesses by Defense Team. Court sets out conditions for the interview, including asking of the "Threshold" question of whether or not they desire to be interviewed. Government's case continues. Court in recess at 4:55 P.M.					
Mar. 23	---	Certain certificate of counsel and order entered relative to service of subpoenas at Government expense on behalf of Defendant. (Two cert. copies to USM and copy to Defense Counsel.)					
	244)	SUPPLEMENTAL ORDER NUMBER ONE REGARDING THE ISSUANCE OF SUBPOENAS, Filed and Entered, that upon Ex Parte Motion of the Def., that the Court's "Order Regarding the Issuance of Subpoenas", dated Feb. 23, 1977 be supplemented in the following respects: USM Service shall provide witness fees, per diem allowances and mileage reimbursement to all defendse witnesses whose subpoenas are approved by the Court pursuant to Rule 17(b), F.R.Cr.P., out of funds provided for such purposes. (Two Cert. copies to USM and copy to Defense counsel.)					
<b>CLOSED</b>		(Continued on Page 20)					

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S.A. vs. LEONARD PELTIER

**CLOSED**

C77-3003-01

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page 18	(a)	(b)	(c)	(d)
Mar. 17	228)	PROPOSED DEPOSITION of ANGIE LONG VISITOR, March 7, 1977 at Fargo, ND, Filed.				
	229)	MOTION FOR SEQUESTRATION OF WITNESSES by Government, Filed.				
	230)	SUBPOENA'S TO TESTIFY (10), issued on behalf of Government, with US MARSHAL'S RETURNS thereon, to: Peggy Ann Coler; Kenneth T. Griffiths; William M. Funk; Clyde De Wayne Holmes; Edward E. Hansen; Clayton Kramer; Eugene Strain; Eldon Olson; Michael S. Smith with attached memo; and Madonna Slow Bear with attached Subpoena Ticket, Filed.				
	231)	ORDER, Filed and Entered, that the US Marshal and all Deputies are ordered not to use personal restraining devices on defendant Peltier while walking him to and from the Marshals and Courtroom quarters, or while defendant Peltier is in room 326 for private attorney-client consultation, in compliance with my Order dated Mar. 11, 1977. (2 cert. copies US Marshal and copies to US Attorney & Peltier Defense Team.)				
	--)	CLERK'S MINUTES OF TRIAL TO THE JURY - 4th Day - GOVERNMENT'S CASE COMMENCES. In Chambers at 10:50 Counsel discuss a matter that has come to the Court's attention. Clerk is directed to arrange a conference after Court today. Court GRANTS Government motion to exclude witnesses from the Courtroom. In open Court in the afternoon, Court RULES that evidence may be received re Dynamite. Court in recess at 4:45 P.M. In Chambers at 4:53 P.M. Counsel discuss matter. Recess at 5:35 P.M.				
Mar. 18	232)	DEPOSITION SUBPOENA: Duces Tecum, directed to Angie Long Visitor on behalf of Government with US MARSHAL'S RETURN endorsed thereon, Filed; and with attached USM-285 Form and cert. copy of order dated Feb. 24, 1977, Filed.				
	233)	SUBPOENA TICKET directed to Dan Van Pelt, Willis, Michigan, Filed, with attached copies of US Marshal's teletype, indicating service of Subpoena to Testify.				
	234)	SUBPOENA TO TESTIFY, issued on behalf of Government and directed to Essie Kirk, with US MARSHAL'S RETURN endorsed thereon indicating service, Filed.				
	235)	STIPULATION OF THE PARTIES, with APPROVAL of the Court endorsed thereon, that Ronald A. Williams and Jack R. Coler were employees of the F.B.I. and were engaged in the performance of their official duties at the time of their death, Filed.				
	236)	STIPULATION OF EVIDENCE, as to Certain Exhibits, by the Parties, with APPROVAL of the Court endorsed thereon, Filed.				
	237)	COURT REPORTER'S TRANSCRIPT of proceedings in Chambers on March 17 at 10:50 A.M. and at 4:53 P.M., Filed.				
	238)	SUBPOENA TO TESTIFY (2), directed to Don Van Pelt and Essie Kirk, with Marshal's Returns thereon, Filed.				
	239)	SUBPOENA TO TESTIFY (2) directed to Ellen Alice Williams and Steven Barker, with NON EST Service returns thereon, Filed.				
	---	CLERK'S MINUTES OF TRIAL TO THE JURY - 5th Day - Court advises counsel that only one person for each side can address the Court at the Bench. Court will not require Government to remark Exhibits 33F, 33J, 33K, 34G, and 34H as requested by Deft. Govts. and Defts. Counsel agree that matter in Chambers at 10:50 A.M. and 4:53 P.M. is resolved. Govts. case continues. At Bench, Deft. moves to strike testimony relating to fact that Exhibit 69A was stolen. Ruling Reserved. Recess.				
		to fact that Exhibit 69A was stolen. Ruling Reserved. Recess.				

**CLOSED**



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	PROCEEDINGS (continued) Page 17		V. EXCLUDABLE DELAY			
	(Document No.)		(a)	(b)	(c)	(d)
Mar. 14	213)	DEFENDANT'S PROPOSED PRELIMINARY INSTRUCTION, Filed.				
	214)	DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS - I thru VII, inclusive, Filed.				
	215)	ORDER of the U.S. Court of Appeals for the 8th Cir., Filed and Entered, that the Court has considered the amended motion of Angie Long Visitor for a review of the conditions of her release; and it satisfactorily appearing that on Jan. 28, 1977, the conditions of release were in fact reviewed by the Hon. Paul Benson, Chief Judge, US District Court for the Dist. of ND; and movant was released from custody on \$10,000 bail. IT IS ORDERED that said motion be, and the same hereby is, DISMISSED, and that the file in the case be closed. (Copies to Attorneys: Kenneth E. Tilsen; U.S. Attorney; and Peltier Defense Team)				
	216)	LETTER of Government, as to Govt's understanding of Court's Order dated March 7, 1977, that both parties are now precluded from calling to the jury's attention the final disposition of the charges against Peltier's three codefendants, and shall not refer to the resolution of the codefendants' charges, in any manner without first raising the matter outside the hearing of the jury so that the Court may make a timely ruling. Further, relative to said Order, it pertained only to the disposition of the codefendants' charges, but competent evidence tending to show the participation of Butler, Robideau and Hagle in the events of June 26, 1975 alleged in the Indictment would be appropriate.				
Mar. 15	217)	GOVERNMENT'S REQUESTED INSTRUCTION NOS. 1 through 15, Filed. (Copy provided to the Court.)				
	----	CLERK'S MINUTES OF TRIAL - JURY SELECTION COMMENCES-	1st Day			
	218)	DEFENDANT'S TRIAL MEMORANDUM, Filed.				
	219)	DEFENDANT'S TRIAL BRIEF - I, Filed.				
Mar. 16	220)	DEFENDANT'S TRIAL BRIEF - II, Filed.				
	----	CLERK'S MINUTES OF TRIAL - JURY SELECTION CONTINUES-	2nd Day			
	--)	CLERK'S MINUTES OF TRIAL TO THE JURY - 3rd Day - Jury Selection is concluded and Jury Panel of 12 Jurors, together with 2 alternates is duly sworn at 2:28 P.M. Court's Opening statement to the Jury. Counsel's opening arguments to the Jury. Court in recess at 4:40 P.M.				
	221)	ORDER, Filed and entered, that the Jury impaneled and sworn to try this case, is sequestered as of 3:00 P.M. on March 16, 1977, and shall be in the care of the U.S. Marshal's Service for the duration of the trial. (2 cert. copies to U.S.M. Copies to Counsel.)				
	222)	RESPONSE TO DEFENDANT'S TRIAL MEMORANDUM AND BRIEFS, Filed with following attached supporting documents:				
	223)	BRIEF IN SUPPORT OF GOVERNMENT'S EXHIBITS 6 (A-D) - Photographs of Dead Agents at Scene, Filed.				
	224)	UNITED STATES RESPONSE TO DEFENDANTS OBJECTION TO PROPOSED EXHIBITS 59 and 60 AS STATED AT NUMBERED PARAGRAPH 11 OF DEFENDANT'S TRIAL MEMORANDUM, Filed.				
	225)	BRIEF IN SUPPORT OF ADMISSION OF EVIDENCE OF OTHER CRIMES, Filed.				
	226)	UNITED STATES BRIEFED RESPONSE TO COLLATERAL ESTOPPEL ASSERTION, Filed.				
	227)	CERTIFICATE OF SERVICE of foregoing, Filed.				



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S.A. vs. LEONARD PELTIER

**CLOSED**

C77-3003-01

DATE 1977	(Document No.)	PROCEEDINGS (continued)	Page 16	V. EXCLUDABLE DELAY			
				(a)	(b)	(c)	(d)
March 10 (Cont.)	202)	AUTHORIZATION, CJA 21, providing for DAILY TRANSCRIPT for defendant at Government expense at Trial, Filed.					
	203)	AFFIDAVIT OF BRUCE ELLISON, ESQUIRE, in support of Defts. request for the appointment of experts and investigators, Filed.					
March 11	204)	ORDER, Filed and Entered, that pursuant to request of U.S. Marshal for funds for miscellaneous expenses of sequestered jury, it is ordered that the U.S. Marshal draw a check on U.S. Courts for \$500.00 and that an accounting shall be made for all monies on the Marshal's Return of this Order. (2 certified copies to U. S. Marshal.)					
	205)	ORDER, with MARSHAL'S RETURN endorsed thereon, that Marshal's are relieved of responsibility during Court authorized attorney-client consultation between 3:30 P.M. and 8:00 P.M. on March 8, 1977, and Marshal's Return indicating deft. returned to Clay County Jail at 7:00 P.M. that date.					
	206)	(CERTIFIED COPY) of ORDER setting Deposition of Angie Long Visitor, with MARSHAL'S RETURN endorsed on the reverse thereof, that Angie Long Visitor was paid \$172.40 as appropriate witness fees as required by law.					
	207)	(CERTIFIED COPY) of ORDER dated January 20, 1977, that deft. be transferred from South Dakota State Penitentiary to the Clay County Law Enforcement Center, Moorhead, Minnesota, with Marshal's Return on the reverse thereof, that on the 25th day of January, 1977, deft. was committed to the Clay County Jail as ordered by the Court.					
	208)	PLAINTIFF'S PROPOSED JURY VOIR DIRE QUESTIONS, with attached CERTIFICATE OF SERVICE, Filed.					
	209)	CLERK'S MINUTES OF HEARING ON TRIAL PROCEDURES. - Court advises Counsel of Jury selection procedures. Deft. will go 1st on Voir Dire. Court will allow only one attorney to exam or cross-exam for each side. Court and Counsel discuss exhibits and proposed voir dire questions. U.S. Marshal Bud Warren advises of arrangements for seating and access to Courtroom. Court ORDERS that deft. be allowed to confer with Counsel following these Court proceedings relative to Govts. Witness list. Court sees no problem in allowing Counsel to split opening and closing remarks among counsel for the respective sides, and in allowing more than one hour for closing arguments. Court in recess.					
March 12	210)	SUBPOENA'S TO TESTIFY (24) with Marshal's Returns thereon, issued on behalf of Government to Patrick Thomas Clifford; Jack Janis; William P. Zeller; Dru McCullom; Ronald Hlavinka; Jimmy Ray Harjo; Glenn Littlebird, Sr.; Myrtle Poor Bear; Michael Dean Rooks; Leonard Schumacher; Steven Weston; Lawrence Dolley White Eyes; Beverly Ann Wounded; Mattie Wounded; Jean Ann Day; Wilfred Draper; Mary Brown; Wanda Siers; Norman Wayne Charles; Marvin A. Stoldt; Michael Erwin Anderson; Rayford Featherman; Robert Dale Ecoffey; and Mrs. Linda Price, Filed.					
	211)	SUBPOENA TO PRODUCE DOCUMENTS (1), with Return endorsed thereon, directed to Dr. Robert D. Bloemendaal, Filed.					
March 14	212)	ORDER, Filed and Entered, that the US Marshal & all Deputies are relieved from any and all responsibility for the defendant's safety, welfare, control and custody during this Courts authorized attorney-client private consultations periods. (Copies to Counsel and 2 cert. copies to US Marshal)					

CONT'D Page 17

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page 15	(a)	(b)	(c)	(d)
March 8	191)	ORDER, Filed and Entered, that Defendant's Motion for daily transcripts of the testimony and proceedings of the case in chief be provided under the provisions of the CJA is GRANTED. (Copies to Counsel.)				
	192)	MOTION REGARDING SURVEILLANCE OF THE DEFENSE TEAM, Filed; with BRIEF IN SUPPORT OF MOTION endorsed thereon; with attached AFFIDAVITS of BRUCE ELLISON, ESQUIRE and ELLIOT A. TAIKEFF, ESQUIRE, Filed; and attached EXHIBIT "A", being LETTER of U.S. Attorney to Postmaster, Fargo, ND, 2-24-77.				
March 9	193)	EX PARTE PETITION FOR A WRIT OF HABEAS CORPUS AD TESTIFICANDUM, Filed, requesting the Court to issue a writ directed to James Theodore Eagle for purposes of testifying at Trial. Said witness is currently incarcerated in the FCI at Lompoc, California. (Proposed Order lodged with the Clerk.)				
	194)	EX PARTE PETITION FOR A WRIT OF HABEAS CORPUS AD TESTIFICANDUM, Filed, requesteign the Court to issue a writ directed to Robert Eugene Robideau for purposed of testifying at Trial. Said witness is currently incarcerated at the FCI at Leavenworth, Kansas. (Proposed Order lodged with Clerk.)				
	195)	ORDER, Filed and Entered, that defts. motion to vacate Court's Order respecting prospective witnesses is DENIED; that the motion by the Govt. for an order restricting extrajudicial statements is DENIED, except insofar as it has already been limited; that the Motion of the U.S. for an order requiring leave of Court prior to the filing of additional motions is DENIED; and that the Motion by the U.S. to sequester the Jury is GRANTED.				
	196)	NOTICE OF ENTRY of foregoing Order, with copies attached, delivered to U. S. Attorney and Defendant's Counsel. 2 certified copies of Order delivered to US Marshal for purposes of sequestered Jury.				
	197)	IN RESPONSE TO MOTION REGARDING SURVEILLANCE OF DEFENSE TEAM, by Govt., with attached CERTIFICATE OF SERVICE, Filed.				
	198)	REPLY TO GOVERNMENT IN CONNECTION WITH MOTION CONCERNING SURVEILLANCE OF THE DEFENSE TEAM, by Defendant, Filed.				
	199)	WRIT OF HABEAS CORPUS AD TESTIFICANDUM, Filed, by the Court, that the U. S. Marshal for the District of Kansas is required to produce Robert Eugene Robideau to the custody of the U.S. Marshal for the District of North Dakota. (Copies to Counsel. 3 certified copies to U.S. Marshal.)				
	200)	WRIT OF HABEAS CORPUS AD TESTIFICANDUM, Filed, by the Court, that James Theodore Eagle be produced to the Custody of the U.S. Marshal for the District of North Dakota for purpose of testimony at Trial, by the U.S. Marshal for the District of California Eastern Division. (Copies to Counsel. 3 cert. copies to U.S. Marshal.)				
	201)	ORDER, Of the U. S. Court of Appeals for the 8th Circuit, that the Application for stay of deposition pending determination of petition for extraordinary remedies has been considered by the Court and is DENIED, as to the Matter of Angie Long Visitor, Filed. (Copies to Counsel for Govt., Deft., Tribe and Angie Long Visitor)				

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S.A. vs. LEONARD PELTIER

**CLOSED**

DATE 1977	PROCEEDINGS (continued)	Page 14	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
Mar. 7 (Cont.)	(Document No.)					
	176)	ORDER, Filed and Entered, that with the exception of the U.S. Marshal, Deputy USM and personnel of the Federal Protection Agency, no individual will be permitted to have firearms/ or other dangerous weapons on the third floor of the U.S. Courthouse building, until this order is rescinded. (Copy to U.S. Marshal)				
	177)	NOTICE OF ENTRY, with copies attached, to Counsel and interested parties.				
	178)	ORDER, Filed and Entered, that Defts. Motion for leave to file additional pre-trial motions is DENIED, except as to those motions which could not reasonably have been filed prior to February 18, 1977, and which in the interest of justice require the Court's consideration.				
	179)	ORDER, Filed and Entered, that Defts. Motion to conduct a portion of the individual voir dire of prospective Jurors is GRANTED; that defts. motion to conduct individual voir dire outside the presence of other prospective jurors is DENIED, except as it may appear necessary on an individual basis; that Defts. Motion for ten additional peremptory challenges is DENIED; that Defts. Motion for appointment of the National Jury Project is DENIED.				
	180)	ORDER, Filed and Entered, that Defts. Motion for a Bill of Particulars, is DENIED.				
	181)	ORDER, Filed and Entered, that Govts. Motion for the production of witnesses' statements is GRANTED to the extent outlined in this Order.				
	182)	ORDER, Filed and Entered, that the U.S. Attorney's office is directed to obtain an affidavit form the official of the FBI in charge of the investigation of this case stating whether or not any electronic surveillance on this case has been conducted by that agency, or whether that agency, or any other agency to its knowledge has acquired evidence or evidentiary leads, through electronic surveillance.				
	183)	NOTICE OF ENTRY of the foregoing (5) Orders, with copies attached, delivered to Counsel.				
	184)	ORDER, Filed and Entered, that the aliases "Leonard Williams and Erwin Yellow Robe," and the names of the co-defendants are stricken from the Indictment.				
	185)	ORDER, Filed and Entered, that Defendants Motion for Disclosure of Grand Jury Selection Materials is DENIED.				
	186)	ORDER, Filed and Entered, that defendant's Motion for Disclosure of Informants, is DENIED.				
	187)	NOTICE OF ENTRY of the foregoing (3) Orders, with copies attached, delivered to Counsel.				
	188)	ORDER, Filed and Entered, that the deft. has moved the Court, ex parte, for an order amending the conditions under which counsel are permitted to visit the Defendant as provided in the attached copy of a 02-18-77 letter to Sheriff Adolph Olsen, and ruling that the provisions of the 02-18-77 Order will not be enlarged except as may be allowed at the discretion of the Clay County, Minnesota Sheriff, consistent with security requirements. (2 copies to U.S. Marshal)				
	189)	ORDER, Filed and Entered, that Defts. Motion for an order requiring the United States to "Produce for Defendant's inspection transcripts of all recorded testimony of witnesses before the grand jury that returned the indictment ..." is DENIED.				
	190)	NOTICE OF ENTRY of the foregoing Order, with copies attached, delivered to Counsel.				

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page 13	(a)	(b)	(c)	(d)
Feb. 25 (Cont.)	161)	GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR LEAVE TO FILE ADDITIONAL PRE-TRIAL MOTIONS, Filed.				
	162)	GOVERNMENT'S RESPONSE TO MOTION FOR DISCLOSURE OF GRAND JURY SELECTION MATERIALS, Filed.				
	163)	GOVERNMENT'S RESPONSE TO MOTION FOR DISCLOSURE OF ELECTRONIC SURVEILLANCE, with attached AFFIDAVIT OF ROBERT L. SIKMA, SPECIAL ASSISTANT TO THE UNITED STATES ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA, Filed.				
	164)	GOVERNMENT'S RESISTANCE TO MOTION FOR APPOINTMENT OF EXPERTS, in particular the "National Jury Project, Inc.", with Attachments, Filed.				
	165)	CERTIFICATE OF SERVICE of the foregoing Government Documents, Filed.				
Mar. 3	166)	ORDER, Filed and Entered, that pursuant to Rule XXIX(c)(1), Local Rules, that no person expected to be called as a witness in the above entitled action shall issue any extrajudicial statements intended to be disseminated by any means of public communication, on matter touching on the merits of the case.				
	167)	NOTICE OF ENTRY of the foregoing Order, with copies attached, delivered to Govt. and Defense team.				
	NOTE:	For the Record, I, Ralph E. Hanson, Deputy Clerk, advised Counsel for both parties of the existence of the above order and the contents thereof, on Wednesday, March 2, 1977, at 5:40 P.M. in my office in Fargo.				
	168)	MOTION TO VACATE ORDER DATED MARCH 2, 1977 CONCERNING EXTRAJUDICIAL STATEMENTS, with BRIEF IN SUPPORT OF MOTION as a part thereof, Filed.				
Mar. 4	169)	AFFIDAVIT CONCERNING DEFENDANT'S MOTION FOR TRANSFER, by: KARIN BAGN, Re: National Jury Project, with attached APPENDIX "A", Filed.				
	170)	EX PARTE MOTION FOR AMENDMENT OF CONDITIONS OF ACCESS TO DEFENDANT, with BRIEF IN SUPPORT OF MOTION included therein, Filed.				
	171)	CLERK'S MINUTES OF ORAL ARGUMENTS ON ALL PENDING MOTIONS - 1st Day - <u>Pursuant to Court's Order of February 23, 1977, Court convenes at Fargo, for Oral arguments on all pending Motions. Following arguments, Court takes all motions under advisement. Court advises Counsel that they will receive a copy of the Jury List, but are directed not to contact Jurors, either directly or indirectly. In Chambers, Counsel discuss request to not allow weapons on the 3rd Floor. Court in recess.</u>				
Mar. 7	172)	ORDER, Filed and Entered, that the Motion by the Defendant to vacate the Order granting the taking of the Deposition of Angie Long Visitor is DENIED.				
	173)	NOTICE OF ENTRY of foregoing Order, with copies attached, delivered to interested parties.				
	174)	ORDER, Filed and Entered, that the Court will reserve its ruling on Govts. Motion re an order directing the Def. to refrain from introducing into evidence or mentioning in front of the Jury certain subjects until a showing through offer of proof out of the presence of the jury, that the same is relevant. Matters covered concern the FBI, Massacre psychology, and climate of fear on the reservation.				
	175)	NOTICE OF ENTRY, with copies attached to Counsel.				

**CLOSED**

AO 256A

CONT'D PAGE -14-

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET**CLOSED**

DATE 1977	U.S.A. vs. LEONARD FELTIER (Document No.)	PROCEEDINGS (continued) Page 12	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
Feb. 24	139)	UNITED STATES RESISTANCE AND BRIEF TO DEFENDANT'S MOTION TO STRIKE, Filed.				
	140)	RETURN TO MOTION TO PRESERVE ROUGH INTERVIEW NOTES OF INVESTIGATING AGENTS, Filed, by Counsel for Government.				
	141)	RESPONSE TO DEFENDANT'S MOTION RESPECTING VOIR DIRE, by Govt., Filed.				
	142)	RETURN TO MOTION FOR BILL OF PARTICULARS, by Govt., Filed.				
	143)	RETURN TO MOTION TO TRANSFER, with attached AFFIDAVIT of Harold O. Bullis, Filed.				
	144)	CERTIFICATE OF SERVICE of foregoing Documents 139 through 143, Filed.				
	145)	DEFENDANT'S BRIEF IN OPPOSITION TO GOVERNMENT'S MOTION IN LIMINE, Filed.				
	146)	COURT ORDER, Filed and Entered, that Angie Long Visitor appear for purpose of giving testimony at deposition set for Monday, March 7, 1977 at 10:00 A.M. in Fargo, pursuant to her bond and that the Clerk issue a subpoena directing her appearance at said depo, which subpoena to be served by the U. S. Marshal; further ordering that the U.S. Marshal produce Defendant Leonard Feltier at such deposition; that the U.S. shall prior to the commencement of testimony, comply with provisions of Rule 15(d) relative to any statement of the witness in possession of the Government; that following the taking of said deposition a copy thereof shall be transcribed and furnished at Government expense to the Defendant; that the U.S. Marshal is directed to tender to said Angie Long Visitor one day's attendance fee and mileage allowed by law. (Copies to Counsel. 2 cert. copies to USM Copies attached to Depo Subpoena.)				
	147)	DEPOSITION SUBPOENA directed to Angie Long Visitor, directing her appearance at Fargo, North Dakota on March 7, 1977 at 10:00 A.M., Issued. (Original and two copies with attached copies of foregoing Order, delivered to U.S. Attorney for delivery to US Marshal.)				
	148),	NOTICE OF ENTRY, with copies attached, mailed to Counsel and interested Parties.				
Feb. 25	149)	DEFENDANT'S BRIEF IN RESISTANCE TO THE GOVERNMENT'S MOTION TO PROVIDE WITNESS STATEMENTS, Filed.				
	150)	DEFENDANT'S RESISTANCE TO GOVERNMENT'S MOTION TO PROVIDE WITNESS STATEMENTS, Filed.				
	151)	DEFENDANT'S RESISTANCE TO SEQUESTRATION OF THE JURY, Filed.				
	152)	DEFENDANT'S BRIEF IN RESISTANCE TO SEQUESTRATION OF THE JURY, Filed.				
	153)	DEFENDANT'S RESISTANCE TO GOVERNMENT'S MOTION TO RESTRICT EXTRAJUDICIAL STATEMENTS BY THE PARTIES, Filed.				
	154)	DEFENDANT'S BRIEF IN RESISTANCE TO GOVERNMENT'S MOTION TO RESTRICT EXTRAJUDICIAL STATEMENTS BY PARTIES, Filed.				
	155)	DEFENDANT'S RESPONSE TO GOVERNMENT'S MOTION FOR DISCOVERY AND INSPECTION, Filed.				
	156)	DEFENDANT'S BRIEF IN OPPOSITION TO GOVERNMENT'S MOTION TO RESTRICT MOTION FILING, Filed.				
	157)	ACCEPTANCE OF SERVICE by the Government of the foregoing Documents, Nos. 149 through 156, Filed.				
	158)	GOVERNMENT'S RESPONSE TO MOTION FOR DISCLOSURE OF INFORMANT'S, Filed.				
	159)	GOVERNMENT'S RESISTANCE TO MOTION FOR PRODUCTION OF GRAND JURY MINUTES, Filed.				
	160)	GOVERNMENT'S RESISTANCE TO MOTION FOR BILL OF PARTICULARS IN CONNECTION WITH THE MOTION TO DISMISS BASED ON CONDUCT OF THE GRAND JURY, with attached BRIEF IN SUPPORT OF RESISTANCE TO MOTION FOR BILL OF PARTICULARS IN CONNECTION WITH THE MOTION TO DISMISS BASED ON CONDUCT OF THE GRAND JURY, with attachments, Filed.				

**CLOSED**

(Continued on Page 13)



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

LEONARD PELTIER

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	Page 11	(a)	(b)	(c)	(d)
Feb. 18 (Cont.)	125)	GOVERNMENT'S MOTION FOR SEQUESTRATION OF THE JURY, Filed.				
	126)	BRIEF IN SUPPORT OF MOTION FOR SEQUESTRATION OF THE JURY, with attached CERTIFICATE OF SERVICE, Filed.				
	127)	ORDER, Filed and Entered, that the Motion of the U.S. to take the testimony of Angie Long Visitor by Deposition is GRANTED, and Notice of the time and place for taking the deposition shall be given pursuant to Rule 15, F.R.Cr.P.				
	128)	NOTICE OF ENTRY of the foregoing Order, With copies attached, mailed to Counsel of Record.				
Feb. 22	129)	NOTICE CONCERNING SERVICE OF ORDERS, ETC. that service of any matters upon the Leonard Peltier Defense may be made by delivering one copy of same to any person who accepts same in Room 324 of the Courthouse. Counsel for deft. request that service be made by delivering two copies of any Order, etc., Filed.				
	130)	MOTION REGARDING THE DEPOSITION OF ANGIE LONG VISITOR, by Counsel for Leonard Peltier, requesting that the Court vacate its Order of February 18, 1977; to receive and consider a Brief in opposition and deny the Government's Motion to take the deposition of Angie Long Visitor; and Grant Oral argument in connection with the motion to vacate and motion to take the deposition, Filed.				
	131)	AFFIDAVIT IN SUPPORT OF MOTION TO VACATE ORDER OF FEBRUARY 18, 1977, by Elliot A. Taikeff, Filed.				
	132)	BRIEF IN SUPPOORT OF MOTION TO VACATE ORDER OF FEBRUARY 18, 1977, Filed.				
	133)	BRIEF IN OPPOSITION TO GOVERNMENT'S MOTION (DATED FEBRUARY 11, 1977), with attached copy of Statement of Angie Long Visitor, copy of letter of Lynn E. Crooks dated February 16, 1977, and attached AFFIDAVIT of John C. Lowe, Filed.				
	134)	WITNESS ANGIE LONG VISITOR'S RESPONSE TO LYNN CROOK'S RESPONSE TO MEMORANDUM OF THE WITNESS IN OPPOSITION TO THE TAKING OF HER DEPOSITION, with attached AFFIDAVIT'S OF SERVICE BY MAIL, Filed.				
Feb. 23	135)	GOVERNMENT'S RESPONSE TO MOTION TO SET ASIDE ORDER FOR DEPOSITION of Angie Long Visitor, with attached CERTIFICATE OF SERVICE, Filed.				
	136)	NOTICE OF DEPOSITION by the Government, that pursuant to the Court's Order of February 18, 1977, the U.S. will on March 7, 1977, commencing at 10:00 A.M. take the depo of Angie Long Visitor, Filed, with attached CERTIFICATE OF SERVICE.				
	137)	ORDER, Filed and Entered, that certain motions will be brought on for oral argument on Thursday, March 3, 1977, commencing at 9:00 A.M. in the Courtroom at Fargo, North Dakota.				
	138)	ORDER REGARDING THE ISSUANCE OF SUBPOENAS, Filed and Entered, that the U.S. Marshal's Service shall not require the prepayment of fees or costs for the service of subpoenas issued on application of the defendant and that the U.S. Marshal's Service is prohibited from disclosing to any individual or organization the names of individuals for whom subpoenas have been issued on the application of the Defendant.				
Feb. 24	--)	Copies of Document No. 137, delivered to Counsel and Court Officials. Copies of Document No. 138, delivered to Counsel and 2 certified copies to U. S. Marshal.				

CONT'D PAGE -12-

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

C77-3003

CLOSED

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	U. S. A. vs. LEONARD PELTIER (Document No.)	PAGE 10	(a)	(b)	(c)	(d)
Feb. 18	92)	DEFENDANT'S MOTION FOR TRANSFER FROM THE DISTRICT FOR TRIAL, with BRIEF IN SUPPORT OF MOTION endorsed thereon, Filed.				
	93)	DEFENDANT'S MOTION TO PRESERVE ROUGH INTERVIEW NOTES OF INVESTIGATING AGENTS OF THE UNITED STATES GOVERNMENT, Filed.				
	94)	MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO PRESERVE ROUGH INTERVIEW NOTES OF INVESTIGATING AGENTS OF THE GOVERNMENT, Filed.				
	95)	MOTION BY DEFENDANT FOR DISCLOSURE OF ELECTRONIC SURVEILLANCE, Filed.				
	96)	MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR DISCLOSURE OF ELECTRONIC SURVEILLANCE, FOR A FULL INVESTIGATION, FOR A PRE-TRIAL HEARING TO SUPPRESS EVIDENCE, AND TO DISMISS THE INDICTMENT, Filed.				
	97)	DEFENDANT'S MOTION FOR DISCLOSURE OF GRAND JURY SELECTION MATERIALS with BRIEF IN SUPPORT OF MOTION, Filed. (Re Grand Jury of South Dakota.)				
	98)	DEFENDANT'S MOTION FOR A BILL OF PARTICULARS, Filed.				
	99)	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR A BILL OF PARTICULARS,				
	100)	DEFENDANT'S MOTION FOR BILL OF PARTICULARS IN CONNECTION WITH MOTION TO DISMISS BASED ON CONDUCT OF THE GRAND JURY, Filed.				
	101)	MOTION OF DEFENDANT TO STRIKE, Filed., RE Surplusage from the Indictment.				
	102)	MEMORANDUM IN SUPPORT OF MOTION TO STRIKE, Filed.				
	103)	MOTION FOR DISCLOSURE OF INFORMANTS, by Defendant, Filed.				
	104)	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISCLOSE INFORMANTS, Filed.				
	105)	NOTICE OF APPEARANCE by Bruce Ellison on Behalf of Defendant, Filed.				
	106)	MOTION OF DEFENDANT FOR THE PRODUCTION OF GRAND JURY MINUTES, Filed.				
	107)	MEMORANDUM IN SUPPORT OF DEFENDANTS MOTION FOR PRODUCTION OF GRAND JURY MINUTES, Filed.				
	108)	MOTION RESPECTING VOIR DIRE AND JURY SELECTION, Filed, By Defendant.				
	109)	APPENDIX TO MOTION RESPECTING VOIR DIRE AND JURY SELECTION, with attached AFFIDAVIT OF JAY SCHULMAN, Filed.				
	110)	DEFENDANT'S MEMORANDUM IN SUPPORT OF INDIVIDUAL VOIR DIRE, Filed.				
	111)	DEFENDANT'S MOTION FOR LEAVE TO FILE ADDITIONAL PRE-TRIAL MOTIONS, with BRIEF IN SUPPORT OF MOTION endorsed thereon, Filed.				
	112)	DEFENDANT'S MOTION FOR APPOINTMENT OF EXPERTS, with BRIEF IN SUPPORT endorsed thereon, Filed.				
	113)	ACCEPTANCE OF SERVICE by the U. S. Attorney, of the foregoing Motions, Filed.				
	114)	GOVERNMENT'S MOTION IN LIMINE, Filed.				
	115)	BRIEF IN SUPPORT OF MOTION IN LIMINE, Filed.				
	116)	CERTIFICATE OF SERVICE of foregoing Motion, Filed.				
	117)	GOVERNMENT'S MOTION FOR DISCOVERY AND INSPECTION, Filed.				
	118)	BRIEF IN SUPPORT OF MOTION FOR DISCOVERY AND INSPECTION, with attached CERTIFICATE OF SERVICE, Filed.				
	119)	GOVERNMENT'S MOTION TO PROVIDE WITNESS STATEMENTS, Filed.				
	120)	BRIEF IN SUPPORT OF MOTION TO PROVIDE WITNESS STATEMENTS, with attached CERTIFICATE OF SERVICE, Filed.				
	121)	GOVERNMENT'S MOTION TO RESTRICT EXTRAJUDICIAL STATEMENTS BY PARTIES, Filed.				
	122)	BRIEF IN SUPPORT OF MOTION TO RESTRICT EXTRAJUDICIAL STATEMENTS BY THE PARTIES, Filed, with attached CERTIFICATE OF SERVICE, Filed.				
	123)	GOVERNMENT'S MOTION TO RESTRICT MOTION FILING, Filed.				
	124)	BRIEF IN SUPPORT OF MOTION TO RESTRICT MOTION FILING, with attached CERTIFICATE OF SERVICE, Filed.				

CLOSED

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

PELTIER, LEONARD

**CLOSED**

C77-3003-01

**C77-3003**

Yr. | Docket No. | Def.

DATE 1977	PROCEEDINGS (continued)	PAGE -9-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
Feb. 14	82) EXHIBIT A-2, being Original Attorney General's Certification pursuant to 18 USC 3503(A) and 28 C.F.R. 0.59(B), that was referred to in Gov. Brief in Support of Motion for Leave to Take Depo., Filed on Feb. 11, 1977, Doc. #80, Filed, with attached CERTIFICATE OF SERVICE and CERTIFICATE OF SERVICE BY MAIL, Filed.					
	83) CERTIFICATE OF SERVICE BY MAIL, indicating service by mail of a copy of Motion for Leave to Take Deposition, Brief and Supporting Affidavits upon Atty Kenneth E. Tilsen, Filed.					
Feb. 15	84) (GOVERNMENT'S) RESPONSE TO MEMORANDUM OF ATTORNEY KENNETH TILSON IN OPPOSITION TO DEPOSITION, Filed, with CERTIFICATE OF SERVICE and CERTIFICATE OF SERVICE BY MAIL, Filed.					
	85) AFFIDAVIT OF KENNETH E. TILSEN on behalf of Angie Long Visitor in opposition to Motion for Leave to Take Deposition, with attached copy of handwritten Statement of Angie Long Visitor taken on Feb. 12, 1977, Filed, with attached AFFIDAVITS OF SERVICE BY MAIL (4), Filed.					
	86) EX PARTE MOTION REGARDING THE ISSUANCE OF SUBPOENAS AND BRIEF, by the Defendant, Filed. (Proposed order lodged with the Clerk)					
Feb. 16	87) LETTER of Atty Kenneth E. Tilsen, advising of transcription error in his Affidavit of Feb. 14, 1977, as follows: <u>On Page 20 the 8th line in the paragraph numbered "6", the words "may have" should be stricken</u> , Filed. (Attached to Doc. No. 85)					
Feb. 17	87) AUTHORIZATION, CJA 21, for Transcript of Hearing on Motion for Release held on Jan. 28, 1977, to be paid at Gov. expense, Filed.					
Feb. 18	88) U. S. MARSHALS RETURN on copy of Court's Order dated Jan. 27, 1977 as to Angie Long Visitor, Material Witness, indicating that same executed on Jan. 27, with total expenses expended of \$480.21, Filed.					
	89) CLERK'S MINUTES OF ADMISSION OF GOVT. COUNSEL FOR PURPOSE OF TRIAL - Mr. Crooks introduces Robert Sikma, Bruce Boyd and Richard Vosepka and moves their admissions for purpose of trial. No objection by Mr. Taikeff. Court will admit Counsel for purpose of trial of peltier action.					
	90) PHOTO COPIES (3) of APPOINTMENT AFFIDAVITS Of Bruce Boyd, Richard Vosepka, and Robert L. Sikma, Filed.					
	91) DEFENDANT'S EX PARTE MOTION FOR DAILY TRANSCRIPTS, with BRIEF IN SUPPORT OF MOTION endorsed thereon and with attached AFFIDAVIT OF ELLIOT A. TAIKEFF IN SUPPORT OF MOTION FOR DAILY TRANSCRIPTS, Filed.					

**CLOSED**

(Continued on Page 10)

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

PELTIER, LEONARD

C77-3003-01

C77-3003

CLOSED

DATE 1977	PROCEEDINGS (continued)	PAGE -8-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
Jan. 28 Cont.	ADDRESS OF ANGIE LONG VISITOR and Surety:  Angie Long Visitor SURETY: Mary Nash General Delivery 4940 18th Avenue South Oglala, South Dakota 57764 Minneapolis, Minnesota 55417					
	71) ORIGINAL SUBPOENA TO TESTIFY, issued to Angie Long Visitor, directing her to appear at Fargo, North Dakota, on March 14, 1977 at 9:00 A.M. Returned, Filed, with Marshal's Return thereon indicating service was made upon her personally on January 28, 1977 at Fargo.					
	72) ORDER, Filed and Entered, modifying conditions of detention of Angie Long Visitor and further ORDERING that Motions to amend and review conditions of Release and to Discharge Witness Warrant for Lack of Probable Cause are both DENIED.					
	73) NOTICE OF ENTRY of foregoing Order, with copies attached, mailed to Counsel.					
	74) ORDER, Filed and Entered, that Counsel for the Defendant failed to appear for the taking of deposition of Angie Long Visitor as set for 01-28-77. Material Witness having now posted bond as required by the Court, now resists the right of the U.S. to take her deposition. Court has taken the matter under advisement. IT IS ORDERED that the taking of the depo of Angie Long Visitor, if it is to be taken, is continued to a date to be determined by the Court.					
	75) NOTICE OF ENTRY with copies attached, mailed to Counsel.					
Feb. 1	76) ORDER, Filed and Entered, that the United States has moved orally to take the Deposition of Material Witness Angie Long Visitor. It Is Ordered, that briefs by the parties, in support of or in opposition to the issue of whether the deposition of Angie Long Visitor should be ordered, shall be submitted not later than February 11, 1977. The Briefs shall be considered submitted simultaneously. (Copies to Counsel, including Amicus Curiae.)					
Feb. 2	77) U.S. MARSHAL'S RETURN on cert. copy of Order as to Angie Long Visitor, dated Jan. 21, 1977, indicating that Angie Long Visitor was delivered on Jan. 27, 1977 to Fargo, ND, Filed.					
Feb. 7	78) COURT REPORTER'S TRANSCRIPT of Hearing held on Pending Motions relating to Angie Long Visitor, Material Witness, on Jan. 28, 1977, before Chief Judge Paul Benson at Fargo, ND, Filed.					
Feb. 8	79) DEFENDANT'S MEMORANDUM IN OPPOSITION TO THE TAKING OF ANGIE LONG VISITOR'S DEPOSITION, Filed, with attached CERTIFICATE OF MAILING, Filed.					
Feb. 11	80) MOTION FOR LEAVE TO TAKE DEPOSITION by United States, Filed, with attached BRIEF IN SUPPORT OF MOTION, Filed, with attached Exhibits "A" - Certification of USA pursuant to 18 USC 3503(A) and 28 C.F.R. 0.59(B); "B" - Affidavit of John Robert Munis, FBI, Special Agent; and "C" - Affidavit of Ronald W. Beinher, FBI, Special Agent, Filed, with attached CERTIFICATE OF SERVICE BY MAIL AND CERTIFICATE OF SERVICE, Filed.					
Feb. 14	81) MEMORANDUM OF THE WITNESS IN OPPOSITION TO THE TAKING OF HER DEPOSITION, submitted on behalf of Material Witness Angie Long Visitor by her counsel, with attached APPENDIX "A" being copy of House Document No. 93-292 and APPENDIX "B", being retyped copy of the report of the US Commission on Civil Rights which monitored the events on the Pine Ridge Reservation, Filed, with attached CERTIFICATE OF SERVICE, Filed.					

CLOSED



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

PELTIER, LEONARD

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

**C77-3003**

DATE 1977	(Document No.)	PROCEEDINGS (continued)	PAGE -7-	V. EXCLUDABLE DELAY			
				(a)	(b)	(c)	(d)
Jan. 27	63)	ORDER, Filed and Entered, upon consideration of the Motion filed by the Oglala Sioux Tribe for Leave to File as Amicus Curiae a Memorandum in Support of the Motion to Review and Amend the Conditions of Release, it is ORDERED this 27th Day of Jan., 1977, that the Motion for Leave to File be and hereby is GRANTED. (Copies to counsel.)					
	64)	MEMORANDUM OF THE OGLALA SIOUX TRIBE OF PINE RIDGE, SOUTH DAKOTA, AS AMICUS CURIAE IN SUPPORT OF THE MOTION TO REVIEW AND AMEND THE CONDITIONS OF RELEASE FILED ON ON BEHALF OF ANGIE LONG VISITOR, Filed.					
	65)	ORDER, Filed and Entered, that the U. S. Marshal's Service shall house Material Witness Angie Long Visitor in a motel or hotel until otherwise ordered by the Court. (Two cert. copies to USM and copies to all counsel of record with exception of Atty John Lowe.)					
Jan. 28	66)	CLERK'S MINUTES OF HEARING ON PENDING MOTIONS RELATING TO ANGIE LONG VISITOR, MATERIAL WITNESS. Court will consider two pending motions on behalf of Angie Long Visitor. One to Review and Amend conditions of Release and the other to Dismiss the Warrant for lack of probable cause. Arguments of Counsel and Counsel for the Amicus Curiae. Govt. offers two exhibits in support of its affidavit for the Material witness warrant. Two FBI agents testify in support of the admissibility of Govt's Exhibit No. 1. Court FINDS that there was probable cause for the issuance of a Warrant; that Angie Long Visitor is a material witness; that pursuant to R. 15 and T. 18:3149 there has been a clear showing of the need to depose Angie Long Visitor. Court ORDERS that Angie Long Visitor no longer be held in jail, but that until her Depo is taken, the conditions of her release are modified so that she is placed in the custody of a matron of the U.S. Marshal's Service to be held under supervision until such time as her depo is taken. Upon the taking of her Deposition, she may be released. Court has therefor modified the conditions of her detention and not of her Bond. Bond is still set for \$10,000.00 Cash or Surety. Mr. Tilsen advises that Angie can post bond and requests a recess to post bond and to prepare a Financial affidavit so the Court can rule on the Pauperism of the witness. Court in recess. Court reconvenes. Mr. Tilsen moves to FIND that the Witness is in Forma Pauperis and to direct that a transcript be prepared of these proceedings at Govt. Expense. SO ORDERED. Court ORDERS further that the Deposition of Angie Long Visitor NOT BE TAKEN at this time because the attorneys for Deft. Leonard Peltier are not present. Mr. Hultman renews motion to take Deposition. Resisted. Court will take request for Deposition under advisement. Court will also delay acting on Govt's Request for Warrant for IVIS LONG VISITOR until the question of the Warrant for Angie Long Visitor is resolved through appeal. Court in Recess.					
	67)	GOVERNMENT EXHIBITS 1 and 2, introduced at the foregoing Hearing.					
	68)	FINANCIAL AFFIDAVIT, CJA 23, of Angie Long Visitor, Filed.					
	69)	\$10,000 CASH APPEARANCE BOND for Angie Long Visitor, Filed.					
	70)	AFFIDAVIT FOR CASH BOND, for the \$10,000 is Cash posted for the Foregoing Bond, Filed.					

(Continued on next page)

**CLOSED**



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

PELTIER, LEONARD

C77-3003-01

**CLOSED**

DATE 1977	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
	(Document No.)	PAGE -6-	(a)	(b)	(c)	(d)
Jan. 24 (Cont.)	49)	ORDER, Filed and Entered, that in the matter of Angie Long Visitor's Motion to Review and Amend the Conditions of Release, the Motion is set for oral argument in the Courtroom of the U. S. Courthouse, 655 1st Avenue North, Fargo, North Dakota, on Thursday, January 27, 1977, at 2:00 P.M. (Counsel advised of contents of this Order by telephone by Deputy Clerk this date.)				
	50)	NOTICE OF ENTRY of the foregoing Order mailed to Counsel, with Copy of Order attached, on January 25, 1977. Cert. copies to USM, S.D. & N.D.				
	51)	ORDER, Filed and Entered, that the motion by counsel for Defendant to continue the deposition of Materila Witness Angie Long Visitor from Friday, January 28, 1977, to a date to be determined is DENIED. (counsel advised by deputy by telephone of contents of Order.)				
	52)	NOTICE OF ENTRY of the foregoing Order mailed to Counsel, with copy of Order attached, on January 25, 1977.				
	53)	ORDER, Filed and Entered, that prior to trial of this case, the following timetable shall be followed: February 18, 1977 - Last Day for Filing Motions. February 25, 1977 - Last Day for Replies to Motions. No extensions of time will be granted, except on application to the Court and for good cause shown.				
	54)	NOTICE OF ENTRY of the foregoing Order, with copies attached, mailed to Counsel on January 25, 1977.				
Jan. 25	--)	Clerk's Office is advised by Mr. Timothy Q. Davies, that he will be entering an appearance as Amicus Curiae on behalf of the Oglala Sioux Tribe. Copies of Documents 39,43,49 and 51 furnished to him.				
	--)	(Copy of) Document No. 39, mailed to Attorney Kenneth E. Tilsen, with				
	55)	NOTICE OF ENTRY.				
Jan. 26	56)	U.S. MARSHAL'S RETURN on certified copy of Order dated & filed on Jan. 20, 1977, indicating that the defendant, Leonard Peltier was delivered to the Clay County Jail at Moorhead, MN on Jan. 25, 1977, Filed.				
	57)	Certified copy of ORDER of the U.S. Court of Appeals, as to Angie Long Visitor, 8th Circuit, that application for leave to proceed on appeal in forma pauperis has been considered by the court and is granted. The appeal will be treated by the court as a petition for writ of mandamus requiring review of the conditions of release of appellant/petitioner. The petition for writ of mandamus is denied without prejudice to its being refiled after Jan. 26, 1977, should an appropriate judicial officer fail to act on appellant/petitioner's motion for review of conditions of release on or before that date.				
	58)	MOTION TO DISCHARGE WITNESS WARRANT FOR LACK OF PROBABLE CAUSE, as to Angie Long Visitor, Filed, with attached MEMORANDUM IN SUPPORT OF MOTION TO DISCHARGE WITNESS WARRANT FOR LACK OF PROBABLE CAUSE, Filed.				
	59)	MOTION OF OGLALA SIOUX TRIBE FOR LEAVE TO FILE MEMORANDUM AS AMICUS CURIAE, on behalf of Angie Long Visitor, Filed.				
	60)	BRIEF IN SUPPORT OF THE MOTION FOR LEAVE TO FILE MEMORANDUM AS AMICUS CURIAE, Filed.				
	61)	CERTIFICATE OF SERVICE of the foregoing upon Harold O. Bullis, Filed.				
	62)	CERTIFICATE OF SERVICE of the foregoing upon Evan Hultman and Kenneth Tilsen, Filed.				
	NOTE: Proposed Memorandum of the Oglala Sioux Tribe of Pine Ridge, South Dakota, as Amicus Curiae in Support of the Motion to Review and Amend the Conditions of Release Filed on Behalf of Angie Long Visitor, Lodged with Clerk, together with proposed Order Granting Motion to File as Amicus Curiae.					
<b>CLOSED</b>			Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

PELTIER, LEONARD

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	PROCEEDINGS (continued)	PAGE -5-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
Jan. 20	36) APPOINTMENT, CJA 20, appointing John Lowe as Court-appointed atty for deft. effective Jan. 12, 1977, Filed.					
	37) APPOINTMENT, CJA 20, appointing Elliot A. Taikeff as Court-appointed atty for deft. effective Jan. 14, 1977, Filed.					
Jan. 21	38) MOTION FOR TAKING DEPOSITION OF DETAINED WITNESS by Government, pursuant to Rule 15, of FRCrimP, setting a deposition of Angie Long Visitor, Filed, with attached BRIEF IN SUPPORT OF MOTION, Filed and with attached CERTIFICATE OF SERVICE BY MAIL of the foregoing, Filed.					
	39) ORDER, Filed and Entered, that the US take the deposition of Angie Long Visitor at 9:30 A.M. on Friday, Jan. 28, 1977, at Fargo, ND; further that the US Marshal for the Dist. of SD shall produce for the deposition Angie Long Visitor and deft. Leonard Peltier; further that following the taking of said deposition, a copy thereof shall be transcribed and furnished at Govt. expense to the deft.; further that the US, prior to the commencement of taking testimony, comply with the provisions of Rule 15(d) of FRCrimP, pertaining to any statement of the witness which is in the possession of the Govt. and to which the deft. would be entitled to at trial.					
	40) NOTICE OF ENTRY, with copies attached to Counsel of record and 2 cert. copies to US Marshal at Fargo ND & 1 cert. copy to US Marshal at Sioux Falls, S. Dak.					
	41) ORDER, Filed and Entered, that pursuant to 18 USC, Sec. 3006A(e)(1) counsel for the Deft. are authorized to obtain the services of three investigators. (Copies to Counsel of record.)					
Jan. 24	42) MOTION FOR WITHDRAWAL OF REQUEST FOR EVIDENTIARY HEARING ON BAIL MOTION by Defendant, with MAILING CERTIFICATE endorsed thereon, Filed.					
	--) RECORD OF PROCEEDINGS of telephone call Mag. Wilson had with Attorney Alfrado E. Pena on Jan. 19, 1977.					
	43) ORDER, Filed and Entered, that all filings, and telephone and letter communications to the Court, from any source, relating to the above entitled action, shall be directed to the office of the Clerk of Court, P. O. Box 870, Fargo, North Dakota, 58102, Telephone No. 237-5771, Ext. 377, to the attention of Ralph Hanson, Deputy in Charge.					
	44) NOTICE OF ENTRY of the foregoing Order, with copies attached, mailed to all Counsel.					
	45) MOTION TO REVIEW AND AMEND THE CONDITIONS OF RELEASE as to Angie Long Visitor, Filed.					
	46) AFFIDAVIT of Kenneth E. Tilsen in support of foregoing Motion, Filed.					
	47) MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS, on behalf of Angie Long Visitor, Filed.					
	48) AFFIDAVIT OF COUNSEL IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, by Jacqueline Quick, Filed.					
(Continued on next page)						

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

PELTIER, LEONARD

C77-3003-11  
**CLOSED**

DATE 1977	PROCEEDINGS (continued)	PAGE -4-	V. EXCLUDABLE DELAY			
	(Document No.)		(a)	(b)	(c)	(d)
Jan. 19 Cont'd	CONT'D -- CLERK'S MINUTES OF PRELIMINARY PRE-TRIAL CONFERENCE, held on Jan. 14, 1977 at Sioux Falls, SD. Court advises that portions of the trial of Butler & Robideau held at Cedar Rapids, Iowa, which are being prepared in Transcript form, be furnished the defense. Court <u>RESERVES RULING</u> on motion of Atty Taikeff relative to four requested court-appointed investigators. Court advises it will check into matter of office space in Fargo for defense at time of trial. Court in Recess at 3:08 P.M.					
	24) MOTION FOR DETENTION OF ANGIE LONG VISITOR AS A MATERIAL WITNESS, by Government, Filed on Jan. 17, 1977.					
	25) AFFIDAVIT FOR DETENTION OF ANGIE LONG VISITOR AS A MATERIAL WITNESS by Norman Zigrossi Special Agent in Charge of the FBI, with attached EXHIBIT B, Filed on Jan. 17, 1977.					
	26) ORDER OF ARREST AND DETENTION OF ANGIE LONG VISITOR PENDING POSTING BOND, that Angie Long Visitor be taken into custody by any authorized Law Enforcement Officer and brought before Judge or Magistrate as provided by Law; Bond set at \$10,000 Cash or Surety, Filed on Jan. 17, 1977.					
	27) WARRANT FOR ARREST OF MATERIAL WITNESS as to Angie Long Visitor, Issued, Filed on Jan. 17, 1977.					
	28) MOTION FOR DETENTION OF IVIS LONG VISITOR AS A MATERIAL WITNESS by Government, Filed on Jan. 17, 1977.					
	29) AFFIDAVIT FOR DETENTION OF IVIS LONG VISITOR AS A MATERIAL WITNESS by Norman Zigrossi Special Agent in Charge of the FBI, with attached EXHIBIT, Filed on Jan. 17, 1977.					
	--) At the time of receipt of the file from Clerk's Ofc. in Sioux Falls, Dist. of SD, Clerk's Ofc. in Fargo, Dist. of ND, noticed that the ORDER OF ARREST AND DETENTION OF IVIS LONG VISITOR, was not included. Upon inquiry of the Clerk's Ofc. in Sioux Falls, we were advised that Bruce Boyd, Asst. U.S. Atty for the Dist. of SD, stated that it was apparently misplaced or lost.					
	30) WARRANT FOR ARREST OF MATERIAL WITNESS as to Ivis Long Visitor, Issued, Filed on Jan. 17, 1977.					
	31) ORDER that Deft's Rule 21(a) and (b) motion for transfer this case from the Western Div. of the Dist. of SD to the Northern Dist. of Iowa at Cedar Rapids, Iowa or to the Second Div. of the Dist. of MN in St. Paul, MN is DENIED; and the case is transferred to the Dist. of ND, SE Division at Fargo, ND, for trial commencing March 14, 1977, at 9:30 A.M., Filed on Jan. 18, 1977.					
*(See Below) Jan. 20	32) DOCKET ENTRIES, District of South Dakota.					
	--) RECORD OF PROCEEDINGS had before Mag. James H. Wilson, on 1-18-77, Dist. of SD, as to Angie Long Visitor a material witness, Filed.					
	33) ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE as to Angie Long Visitor a material witness, indicating that witness will execute a Bond in the sum of \$10,000, Filed.					
	34) ORDER, Filed and Entered, that defendant Leonard Peltier, be moved from the SD State Penitentiary to the Clay County law Enforcement Center, Mrhd, MN, for pre-trial detention. (Two cert. copies to US Marshal and Counsel of record.)					
	35) STATEMENT of Angie Long Visitor, dated Jan. 19, 1977, Filed.					
	* J.S. 2 CARDS made, on Jan. 19, 1977.					
	CONT'd PAGE -5-					

**CLOSED**

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

PELTIER, LEONARD

**CLOSED**

C77-3003-01

Yr. | Docket No. | Def.

DATE 1977	(Document No.)	PROCEEDINGS (continued) Page -3-	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
Jan. 19 Cont'd	18)	ORDER executed by Chief Judge Paul Benson, US District Court, Sitting by Assignment, that this case will be brought before the Court, US District Courthouse, at Sioux Falls, SD on Jan.14, 1977 at 1:30 P.M. for Preliminary Pretrial Conference, and matters to be considered are motions which have been filed, time limitation to file further motions, trial date and other matters, Filed on Jan 3, 1977.				
	19)	APPOINTMENT AFFIDAVITS, with attached letter dated Dec. 28, 1976, indicating that the appointment of Evan Hultman as Special Assistant to the US Atty for the Dist. of SD is extended to June 30, 1977, Filed on Jan. 14, 1977.				
	20)	WAIVER of defendant, waiving his right to the guidelines & requirements of Local Rules of Court, Interim Plan 1975, Achieving of Prompt Disposition of Criminal Cases in US Dist. Crt. for the Dist. of SD, pursuant to 18 USC, Sec. 3161 and 5th & 6th Amendments to the US Constitution, Filed on Jan. 14, 1977.				
	21)	RESISTANCE TO MOTION TO REVIEW HOLDING DEFENDANT WITHOUT BOND by Government, with attached Exhibit "A"; and attached, MEMO IN SUPPORT OF THE RESISTANCE TO THE MOTION TO REVIEW HOLDING DEFENDANT WITHOUT BOND, Filed on Jan.14,1977.				
	22)	RESISTANCE TO REQUEST FOR CHANGE OF VENUE FROM THE DISTRICT OF SOUTH DAKOTA FOR TRIAL OF THIS MATTER by Government, with attached EXHIBITS A thru G, inclusive, Filed on Jan. 14, 1977				
	23)	CLERK'S MINUTES OF PRELIMINARY PRE-TRIAL CONFERENCE, held on Jan. 14, 1977, at Sioux Falls, SD. Counsel argue motion to transfer case from Dist. of SD. Court advises that issue of "fair trial" can only be ascertained by Voir Dire. Court intends to move case to Dist. of ND. Counsel discuss the amending of Order requiring deft. be held without Bond and an Evidentiary Hearing is set by the Court on Jan. 21, 1977 at 9:30 A.M. in Sioux Falls, SD. Court advises that it intends to comply with the 90-day custody provision of the Speedy Trial Act, inspite of Waiver of deft of limitations of the Speedy Trial Act. Counsel discuss Trial Date, exhibits and discovery. Court instructs US Atty to specifically instruct FBI not to destroy exsisting hand-written notes of the investigating officers; Court suggests that Counsel meet and resolve issue of items of evidence. Court will set a time limitation as to filing further motions. Mr. Ellison states that he will withdraw as Counsel; Mr. Peltier indicates an acceptance to Attorneys Lowe and Taiffeff as Co-Counsel; Court <u>ORDERS</u> that John Lowe and Elliot A. Taiffeff be crt.-apptd.counsel for deft.; effective Jan. 12, 1977 for Atty Lowe and Jan. 14, 1977 for Atty Taiffeff. Court <u>ORDERS</u> deft. cannot act as Co-Counsel when court appointments are made. Court <u>ORDERS</u> that deft. be held at the SD Pen until Jan. 21, 1977. US Marshal for Dist. of SD advises Court of deft's solitary confinement quarters and conditions under which he is being held. The matter of deft's confinement will be further discussed on Jan. 21, 1977, Evidentiary Hearing				

CONT'D PAGE -4-



DATE		IV. PROCEEDINGS (continued)		PAGE TWO		V. EXCLUDABLE DELAY		LETTER CODES	
1977		USA vs. LEONARD PELTIER							
Jan. 19		THE FOLLOWING CERTIFIED DOCUMENTS WERE RECEIVED FROM THE DISTRICT OF SOUTH DAKOTA, Pursuant to RULE 21 (a)(b):							
1)	INDICTMENT, Filed on Nov. 25, 1975.								
2)	PRAECIPE FOR WARRANT OF ARREST, Filed on Nov. 25, 1975.								
-)	WARRANT, Issued on Nov. 25, 1975.								
3)	SUPERSEDING INDICTMENT, Filed on Jan. 15, 1976.								
4)	WARRANT, Returned, Filed on Feb. 18, 1976, with U.S. MARSHAL'S RETURN endorsed thereon indicating it is UNEXECUTED as deft. is presently in custody in Canada.								
5)	APPOINTMENT, CJA 20, appointing Elliot Taikeff as Crt. Apptd. Counsel for deft., Filed on May 19, 1976.								
6)	MINUTES of Hearing on Plea, and the deft. entered his plea as follows: of Superseding Indictment. PLEA OF NOT GUILTY entered to both Cts./Charles Mickel relieved as Crt. Apptd. Counsel and Bruce Ellison appointed. Deft. confined at the SD Pen at Sioux Falls, SD. Foregoing held on Dec. 19, 1976.								
7)	ORDER, pursuant to 28 USC Sec. 455(a), indicating that the Court hereby disqualifies itself from hearing or determining any proceeding in this case, executed by U.S. District Judge, Andrew W. Bogue, District of SD, Western Division, Filed on Dec. 20, 1976.								
8)	FINAL COMMITMENT of Deft. with RETURN endorsed thereon indicating that the Deft. was committed to the SD State Penitentiary on Dec. 19, 1976, Filed on Dec. 23, 1976.								
9)	TRANSCRIPT OF HEARING ON INITIAL APPEARANCE, ARRAIGNMENT AND BOND HEARING, held on Dec. 18 & 19, 1976, before Mag. James H. Wilson, Filed on Dec. 23, 1976.								
10)	APPOINTMENT, CJA 20, appointing Charles J. Mickel as Crt. Apptd. Counsel for deft., Filed Dec. 23, 1976.								
11)	APPOINTMENT, CJA 20, appointing Bruce Ellison as Crt. Apptd. Counsel for deft., Filed Dec. 23, 1976.								
12)	FINANCIAL AFFIDAVIT, CJA 23, as to deft., Filed on Dec. 23, 1976.								
13)	PROCEDURAL HISTORY AND MAGISTRATE'S REASONS FOR REQUIRING THAT DEFENDANT BE HELD WITHOUT BOND, Filed on Dec. 23, 1976.								
14)	MOTION FOR TRANSFER FROM THE DISTRICT FOR TRIAL by Deft., Filed on Dec. 28, 1976.								
15)	MOTION TO REVIEW AND AMEND ORDER REQUIRING THAT DEFENDANT BE HELD WITHOUT BOND, AND TO SET CONDITIONS OF DEFENDANT'S RELEASE, Filed on Dec. 28, 1976.								
16)	MEMORANDUM OF LAW IN SUPPORT OF MOTION TO REVIEW AND AMEND ORDER REQUIRING DEFENDANT BE HELD WITHOUT BOND, AND TO SET CONDITIONS OF DEFENDANT'S RELEASE, Filed on Dec. 28, 1976.								
17)	NOTICE OF APPEARANCE by Attorney Elliot A. Taikeff, with consent endorsed thereon by Atty Bruce Ellison and Atty John C. Lowe; and AFFIDAVIT OF SERVICE BY MAIL, Filed on Jan. 3, 1977.								

CONT'd PAGE -3-

FINE AND RESTITUTION PAYMENTS					
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

CLOSED

CLOSED



UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S. vs

U.S.A. vs. LEONARD PELTIER

C77-3003-01

AO 256A

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	PAGE 11-A	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
	(Document No.)					
	** ADDITIONAL LISTING OF ATTORNEYS **					
	<del>ON MOTION</del> 04-20-82					
	TIGAR, BUFFONE & DOYLE (Michael E. Tigar & John J. Privitera) 1302 18th Street, N.W., Suite 601 Washington, D. C. 20036 Tel. (202) 785-8900			11-05-86		
	BRUCE ELLISON P. O. Box 2508 Rapid City, SD 57709 Tel. (605) 348-9458 (605) 348-1117			12-08-86 JOHN PRIVITERA 44 Fairview Ave. Albany, NY 12208		
	<del>ON MOTION</del> 12/15/82					
	WILLIAM M. KUNSTLER c/o Center for Constitutional Rights 853 Broadway New York, N.Y. 10003 Tel. (212) 674-3303					
	<u>AND:</u> Michael E. Tigar & John J. Privitera Bruce Ellison					
	ADDITIONAL APPEARANCE:					
	Mr. Vine V. Deloria Attorney at Law 8870 E. 20th Street Tuscon, Arizona 85710	Mr. Lewis S. Gurwitz 10 Banks Street Cambridge, Massachusetts 02139				
		c/o BMLDOC				
		124 N. San Francisco				
		Flagstaff, Ariz. 86001				
	ON MOTION FOR LEAVE TO FILE AMICUS CURIAE ON BEHALF OF CERTAIN CITIZENS:					
	Linda J. Gallant 1200 Builders Exchange 609 Second Avenue South Minneapolis, Minnesota 55402 (612) 339-6092	Mark S. Wernick 601 Butler Square 100 North Sixth Street Minneapolis, Minnesota 55403 (612) 333-4403				
2001	LEONARD PELTIER, Defendant					
Oct. 29	WILLIAM KIRSCHNER Suite 104 1351 Page Drive Fargo, ND 58103 (701) 280-2349	ERIC A. SEITZ 820 Mililani Street Suite 714 Honolulu, HI 96813 (808) 533-7434				

CRIMINAL DOCKET - U.S. District Court				CLOSED		Case Filed Mo. Day		C77-3003-01									
PETTY OFFENSE PO <input type="checkbox"/> OTHER MINOR OFFENSE MO <input type="checkbox"/> OTHER MISDEMEANOR Mis <input type="checkbox"/> FELONY Fel <input checked="" type="checkbox"/>		JUDGE/MAGISTRATE Assigned <div style="border: 1px solid black; padding: 2px; display: inline-block;">             868 3 6805           </div>		vs. <b>PELTIER, LEONARD</b> (LAST, FIRST, MIDDLE)		No. of Def's <div style="border: 1px solid black; padding: 2px; display: inline-block;">             01 19           </div>		Yr. Docket No. Def.									
U.S. TITLE/SECTION <b>18:2,1111,1114 First Degree Murder (Cts. 1 &amp; 2) 2</b> <b>18:2,1111,1114 First Degree Murder (Cts. 1 &amp; 2) 2</b>		OFFENSES CHARGED		ORIGINAL COUNTS		U.S. MAG. CASE NO.		BAIL • RELEASE <input checked="" type="checkbox"/> AMT <input type="checkbox"/> Fugitive <input type="checkbox"/> Denied <input type="checkbox"/> Set <input type="checkbox"/> Pers. Recog. <input type="checkbox"/> PSA \$ 000 conditions <input type="checkbox"/> 10% Deposit <input type="checkbox"/> Surety Bond <input type="checkbox"/> Bail Not Made <input type="checkbox"/> Collateral <input type="checkbox"/> Status Changed (See Docket) <input type="checkbox"/> 3rd Prty Cust <input type="checkbox"/> Other									
II. KEY DATES & INTERVALS																	
ARREST or U.S. Custody Began <b>12-17-76</b> Summons Served First Appearance		INDICTMENT <input checked="" type="checkbox"/> High Risk Date <b>11-25-75</b> Indict. Waived <input type="checkbox"/> In Charging District <b>01-15-76</b>		ARRAIGNMENT 1st Plea <b>12-19-76</b> Final Plea		TRIAL Trial Set For <b>03-14-77</b> Voir Dire <input checked="" type="checkbox"/> Trial Began <input checked="" type="checkbox"/> <b>03-16-77</b> Trial Ended <b>04-18-77</b>		SENTENCE Disposition of Charges <b>04-18-77</b> <input checked="" type="checkbox"/> Convicted <input type="checkbox"/> On All Charges <input type="checkbox"/> Acquitted <input type="checkbox"/> On Lesser * Offense(s) <input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP <input type="checkbox"/> On Government's Motion									
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">MAGISTRATE</th> <th colspan="2">OUTCOME:</th> </tr> </thead> <tbody> <tr> <td>           Search Warrant Issued            Summons Issued            Arrest Warrant Issued            COMPLAINT         </td> <td>           DATE            INITIAL/NO.         </td> <td>           INITIAL APPEARANCE DATE            PRELIMINARY EXAMINATION OR  <input type="checkbox"/> REMOVAL HEARING  <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED  <input type="checkbox"/> INTERVENING INDICTMENT         </td> <td>           INITIAL/NO.            Taped Number            DISMISSED            HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT            HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:         </td> </tr> </tbody> </table>										MAGISTRATE		OUTCOME:		Search Warrant Issued Summons Issued Arrest Warrant Issued COMPLAINT	DATE INITIAL/NO.	INITIAL APPEARANCE DATE PRELIMINARY EXAMINATION OR <input type="checkbox"/> REMOVAL HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT	INITIAL/NO. Taped Number DISMISSED HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
MAGISTRATE		OUTCOME:															
Search Warrant Issued Summons Issued Arrest Warrant Issued COMPLAINT	DATE INITIAL/NO.	INITIAL APPEARANCE DATE PRELIMINARY EXAMINATION OR <input type="checkbox"/> REMOVAL HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT	INITIAL/NO. Taped Number DISMISSED HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:														
U.S. Attorney or Asst. <b>1. EVAN HULTMAN, U. S. Atty</b> Box 1138 Sioux City, Iowa 51102 <b>2. WILLIAM F. CLAYTON, U.S. Atty</b> 231 Fed. Bldg., 400 S. Phillips Sioux Falls, SD 57102 <b>3. LYNN E. CROOKS, Asst. U.S. Atty</b> Box 2505, Fargo, ND 58102 <b>4. Robert L. Sikma</b> Bruce W. Boyd Richard Vosepka, Jr.					ATTORNEYS Defense: <input type="checkbox"/> CJA <input type="checkbox"/> Ret. <input type="checkbox"/> Waived <input type="checkbox"/> Self <input type="checkbox"/> None / Other <input type="checkbox"/> PD <input type="checkbox"/> CD <b>LEONARD PELTIER, Defendant</b> *See page 1(a) listing addl attys. <b>1. ELLIOT A. TAIKEFF</b> 335 Broadway, New York, NY 10013 FARGO ADDRESS: 325 Old Fed. Bldg. 655 - 1st Ave. North Tel. 293-3003 <b>2. JOHN LOWE</b> 409 Park St., Charlottesville, VA 22901 <b>3. BRUCE ELLISON</b> Box 2508, Rapid City, SD 57709 <b>4. Stanley Engelstein, 320 West End Ave., NY, NY 10023</b>												
* Show last names and suffix numbers of other defendants on same indictment information: <b>ANGIE LONG VISITOR, Material Witness</b> <b>1. KENNETH E. TILSEN</b> 400 Minnesota Bldg. St. Paul, MN 55101 <b>2. ALFREDO PENA</b> 1753 Lafayette Denver, Colo. 80118 <b>MARY NASH, Surety on \$10,000 Cash</b> Bond posted on 01/28/77 4940 - 18th Ave. South Minneapolis, MN 55417					PROCEEDINGS EXCLUDABLE DELAY (a) (b) (c) (d) <b>OGLALA SIOUX TRIBE, Amicus Curiae on behalf of Angie Long Visitor</b> <b>1. TIMOTHY Q. DAVIES</b> Box 2626, Fargo, ND 58102 <b>2. JILL WINE VOLNER</b> Suite 1000, The Watergate 600 600 New Hampshire Avenue N. W. Washington, D. C. 20037												